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Ontario

# ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 223

DATE: Monday, August 13, 1990

BEFORE:

A. KOVEN Chairman

E. MARTEL Member



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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ASSOCIATES &  
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I N D E X   O F   P R O C E E D I N G S

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I N D E X       O F       E X H I B I T S

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1278A	MNR draft terms and conditions dated August 3rd, 1990.	40416
1278B	Letter dated August 1st, 1990 from Kathleen Murphy to the Environmental Assessment Board.	40417
1278C	Summary report dated August 3rd, 1990 in relation to MNR draft terms and conditions dated August 3rd, 1990 (Exhibit No. 1278A).	40417
1278D	Index and concordance and cross-reference table dated August 3rd, 1990 in relation to MNR draft terms and conditions (Exhibit No. 1278A).	40417
1279	OFIA/OLMA comparison of terms and conditions with reference to MNR August 3rd, 1990 draft.	40419
1280	Four-page document entitled: Schematic of Proposed Industry Planning Hierarchy as interpreted by OFAH re Section 2.2 of Exhibit 1269.	40459
1281	Minutes of Proceedings in evidence of the Subcommittee on Forestry of the Standing Committee on Forestry and Fisheries of the House of Commons dated Wednesday, March 21st, 1990. (pages 3-29 inclusive) re excerpts of transcripts of Dr. Baskerville's complete testimony.	40576



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<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1282	Five-page letter dated July 6, 1990 from Victor Freidin to Michele Swenarchuk with respect to clarifying the announcement by the Ministry of Natural Resources of the appointment of Dr. Peter Pearce.	40593





1 ---Upon commencing at 10:15 a.m.

2 MADAM CHAIR: Good morning. Please be  
3 seated.

4 Good morning, Mr. Hanna.

5 MR. HANNA: Good morning, Madam Chair. I  
6 believe Mr. Cosman and Mr. Freidin have some matters  
7 they wish to discuss.

8 MADAM CHAIR: Yes. And also, Mr. Hanna,  
9 apparently we're still looking for Exhibit 1276. Is  
10 that essential for your cross-examination this morning?

11 MR. HANNA: Well, Madam Chair, I won't be  
12 referring to that until probably this afternoon.

13 MADAM CHAIR: All right. Well, we will  
14 keep looking for it and hopefully it will turn up  
15 shortly.

16 Mr. Freidin?

17 MR. FREIDIN: Madam Chair, perhaps I  
18 shall go first. I would like to, with the Board's  
19 permission, file a copy of the Ministry's revised terms  
20 and conditions which I understand the Board has  
21 received a copy of.

22 As you're aware, there were a number of  
23 documents which accompanied the revised terms and  
24 conditions. I would suggest that they all be given the  
25 same exhibit number but be marked A, B, C and D. I

1 don't know what the next exhibit number is, Madam  
2 Chair.

3 MADAM CHAIR: Exhibit 1278.

4 MR. FREIDIN: I would then suggest that  
5 the draft terms and conditions dated August the 3rd,  
6 1990 submitted by the Ministry of Natural Resources be  
7 marked as 1278A; that 1278B be a letter dated August  
8 the 1st, 1990 from Kathleen Murphy to the Environmental  
9 Assessment Board; that 1278C is a summary report dated  
10 August the 3rd, 1990 in relation to the draft terms and  
11 conditions; and 1278D is an index and a concordance and  
12 cross-reference table dated August the 3rd, 1990, again  
13 in relation to 1278A.

14 I believe all of the parties here have a  
15 copy of this document. I have extra copies for the  
16 Board, Madam Chair. How many copies would you like;  
17 three?

18 MADAM CHAIR: Three copies, Mr. Freidin,  
19 thank you. Excuse me, that's four copies, Mr. Freidin.

20 MR. FREIDIN: Four copies?

21 MADAM CHAIR: We receive four.

22 MR. FREIDIN: You need one more.

23 (handed)

24 MADAM CHAIR: Thank you, Mr. Freidin.

25 ---EXHIBIT NO. 1278A: MNR draft terms and conditions



1 dated August 3rd, 1990.

2 ---EXHIBIT NO. 1278B: Letter dated August 1st, 1990  
3 from Kathleen Murphy to the  
Environmental Assessment Board.

4 ---EXHIBIT NO. 1278C: Summary report dated August 3rd,  
5 1990 in relation to MNR draft  
terms and conditions dated August  
6 3rd, 1990. (Exhibit No. 1278A).

7 ---EXHIBIT NO. 1278D: Index and concordance and  
8 cross-reference table dated  
August 3rd, 1990 in relation to  
MNR draft terms and conditions  
9 (Exhibit No. 1278A).

10 MR. FREIDIN: I can indicate that Mr.  
11 Cosman is going to file another document that I haven't  
12 had an opportunity to review, so I can't indicate  
13 whether it is completely accurate, but you will see why  
14 I'm making the comments once Mr. Cosman indicates what  
15 it is.

16 MADAM CHAIR: Yes, Mr. Cosman?

17 MR. COSMAN: Yes. Thank you, Madam  
18 Chair.

19 You'll recall at the end of the  
20 cross-examinations of Panel 10 when we broke before Mr.  
21 Hanna was completed, I indicated to the Board, as I  
22 indicated at the outset of this particular panel, that  
23 this particular panel of planning witnesses did not  
24 have of course the August 3rd draft which was yet to be  
25 prepared and I thought it would be useful for the Board

1 to have the benefit of their comments and analysis of  
2 it; that we received the August 3rd draft last week I  
3 guess it was, the panel met yesterday and worked hard  
4 to prepare a revision of the comparison document to add  
5 that third column which in effect adds what they  
6 consider to be the salient or more significant  
7 comparisons between the OFIA/OLMA terms and conditions,  
8 the MNR June 27th draft, and the August 3rd draft.

9 And, Madam Chair, perhaps just to set the  
10 stage for this, can I ask the panel: Is the document  
11 that I am tendering now the document that you prepared  
12 setting out your analysis of the differences between  
13 the various MNR terms and conditions and the Industry  
14 terms and conditions; Mr. Innes?

15 MR. INNES: Yes, it is, Mr. Cosman.

16 MR. FRY: Yes, it is.

17 MR. MUNRO: Yes.

18 MR. SUOMU: Yes.

19 MR. YOUNG: Yes.

20 MR. COSMAN: And each of you have  
21 prepared a comment pertinent to your own area in the  
22 same format as that as was prepared in your original  
23 document which was Exhibit 1276 -- or 1274 rather.

24 MR. INNES: That's right.

25 MR. COSMAN: All right. Madam Chair, I

1 tender that as the next exhibit.

2 MADAM CHAIR: That will be Exhibit 1279.

3 And, Mr. Cosman, that was with reference to which  
4 previous exhibit?

5 MR. COSMAN: 1274.

6 MADAM CHAIR: Thank you.

7 MR. COSMAN: You will recall that 1274  
8 was the blue covered document called Comparisons. You  
9 will see the style page is the same except it's got  
10 August 3rd, 1990 draft. So that's perhaps how it  
11 should be styled for the record, Comparison of Terms  
12 and Conditions with reference to MNR August 3rd, 1990  
13 draft.

14 I have four copies for the Board.

15 (handed)

16 MADAM CHAIR: Thank you.

17 ---EXHIBIT NO. 1279: OFIA/OLMA comparison of terms and  
18 conditions with reference to MNR  
August 3rd, 1990 draft.

19 MR. COSMAN: And, Madam Chair, with  
20 respect to that and in advance of, in order to assist  
21 Mr. Freidin who will be cross-examining and as well as  
22 the other parties, Mr. Hanna has agreed to allow me to  
23 ask a few questions about it now rather than in reply  
24 so that they would have the benefit of hearing the  
25 answers of these witnesses before they continue with

1       their cross-examination.

2                   MADAM CHAIR: That's fine, Mr. Cosman.

3                   Just two quick messages. The first is  
4       that we will sit today until noon without a break and  
5       we will take an hour for lunch.

6                   I understand that we won't be hearing  
7       arguments this evening as we had planned and so we will  
8       sit until four o'clock tonight and we will pick up our  
9       regular schedule tomorrow.

10                  And as well, the Board won't be sitting  
11       on October the 4th, we will be sitting Monday, Tuesday,  
12       Wednesday of that week which is the 1st, 2nd and 3rd  
13       and we won't be sitting Thursday, October the 4th.

14                  Mr. Cosman?

15                  MR. COSMAN: Thank you, Madam Chair.

16                  DALE MUNRO,  
17                  MICHAEL R. INNES,  
18                  WAYNE DOUGLAS YOUNG,  
19                  LEN SUOMU,  
20                  RICHARD DEAN FRY, Resumed

21       FURTHER DIRECT EXAMINATION BY MR. COSMAN:

22                  Q. Perhaps I can start with you, Mr.  
23       Innes.

24                  If I can take you to 1279 which has just  
25       been marked and I would ask you to turn over to page 1,  
      structure of the planning system. As I understand it,  
      columns 1 and 2 are exactly the same as columns 1 and 2



1 in Exhibit 1274?

2 MR. INNES: A. That is correct, Mr.  
3 Cosman.

4 Q. And what is new is column 3 which  
5 sets out points of comparison with respect to the draft  
6 which Mr. Freidin has just filed with the Board?

7 A. That is correct.

8 Q. And I take it, gentlemen, that is the  
9 same with respect to each of your particular parts of  
10 this exhibit?

11 (Panel nodding collectively)

12 And you have nodded your assent. All  
13 right.

14 Now can I ask, Mr. Innes - and I am not  
15 going to take the Board through all of it, we are  
16 undoubtedly going to hear more about the MNR's  
17 changes - but I want to ask a general question starting  
18 with Mr. Innes and then asking other members of the  
19 panel to comment as well.

20 Will you please comment on the revisions  
21 and tell the Board whether they meet your concerns as  
22 expressed in your evidence to date as to how the  
23 planning system should operate?

24 MR. INNES: A. Certainly. Madam Chair,  
25 we were quite interested in receiving the revised terms

1 and conditions from the Ministry of Natural Resources  
2 and indeed we found there were changes in there that  
3 were quite acceptable to us and moved some way towards  
4 what we had in mind with our overall planning system.

5 May I remind the Board of our initial  
6 comments that our planning system as we have designed  
7 it is an entity and it's based on a review of the MNR  
8 system plus an analysis of the track record that we've  
9 had over the past 10 years with the FMAs and of our  
10 experience in planning at a field level and, as a  
11 result, it tends to be a complete system in itself but  
12 also an extension of where MNR was at with its original  
13 system.

14 So with those comments, perhaps I could  
15 give you a flavour of what's new section by section  
16 very briefly as we go through here to bring you up to  
17 date as to where we're at with our terms and conditions  
18 versus the ones that MNR have brought forward.

19 In terms of the structure of the planning  
20 system, Madam Chair, we still feel that the one  
21 proposed by the OFIA/OLMA is a superior system in terms  
22 of representing an opportunity for greater public input  
23 in terms of the way our committee structure is proposed  
24 to the Board and we are harkened by the fact that MNR  
25 has recognized the need for more local input and, as a

1 result, has proposed a stakeholders committee which  
2 works at a management unit level and indeed this falls  
3 in line with what we have in mind for input at that  
4 level.

5 We do, however, still think that there is  
6 room for a committee at a regional level which  
7 translates the provincial policies and objectives into  
8 a regional setting, and also too that there should be a  
9 senior level policy committee at the provincial level  
10 to review the appropriateness of MNR policies as they  
11 relate to timber management.

12 So with that we're quite happy, there is  
13 recognition of the need at a local level but suggest  
14 that more needs to be done in terms of the other two  
15 levels that I just mentioned.

16 Q. Just with respect to the local level,  
17 just in brief, can you tell the Board - which will not  
18 yet have had an opportunity to review the revised terms  
19 and conditions that the MNR just filed - what is the  
20 essential difference between that proposed by the MNR  
21 at a local level compared to that which is proposed by  
22 Industry?

23 A. The essential difference between the  
24 stakeholders committee and what we have called the  
25 local citizens committee is that the MNR district

1 manager chairs the stakeholders committee as I  
2 understand it and, furthermore, that the planning --  
3 the plan author is not a member of that committee  
4 except as required on an ad hoc basis.

5 The way we see the local citizens  
6 committee being structured is much the same in terms of  
7 representation from the local community, however, it is  
8 chaired by the plan author and the plan author attends  
9 all those meetings and in that way gets translated --  
10 gets first-hand rather than translated the information  
11 and the discussions that go on at that local level in  
12 terms of what's being discussed or where the pressure  
13 points are, what some of the decisions have to be and  
14 what the local interests are.

15 The way we understand the MNR's proposal  
16 is that this information is transmitted to MNR who then  
17 advises their planning team and the plan author of what  
18 that information should be. We think our system has a  
19 much more direct contact between the plan author and  
20 the local citizens making more direct contact and  
21 content relative to the plan.

22 Q. Thank you. Mr. Munro, can you add to  
23 that from your perspective?

24 MR. MUNRO: A. In reviewing MNR's new  
25 terms and conditions one thing that does stand out is



1 that they have added to the actual plan document  
2 itself. We still have some concern about having a very  
3 complex plan before the public and still see some merit  
4 in going through the separation of the database and  
5 actual plan that we had talked about before in order to  
6 have -- ensure that the public has a plan in front of  
7 them that is understandable to them and can be  
8 summarized in a concise fashion.

9 One of the things --

10 MR. MARTEL: Could I stop you there.  
11 What makes yours, if I understood you correctly, your  
12 plan is still more simpler.

13 MR. MUNRO: Our plan is more concise in  
14 that we have taken out a lot of the background  
15 information.

16 MR. MARTEL: I guess what's confusing me  
17 at this point is how does MNR's counter proposal, is  
18 it - because I haven't had an opportunity to see these  
19 until this moment - how does their position, is it not  
20 altered so as to meet your requirements or is theirs  
21 still consistent as it was previously the whole  
22 planning?

23 MR. MUNRO: It's consistent the way it  
24 was previously.

25 MR. MARTEL: Okay.

1                   MR. MUNRO: And they have added a number  
2 of elements to it. So what we had before we felt was a  
3 bulky, complicated plan and I think we still have that  
4 from the Industry perspective and we certainly  
5 entertain the idea of looking at the separation of the  
6 database in the actual plan itself.

7                   One thing that has been added which is an  
8 excellent idea in terms of MNR's terms and conditions  
9 is they have added what they have classified as an  
10 operational map which essentially combines the values  
11 map and highlights where activities are going to occur,  
12 where timber management activities are going to occur  
13 on the unit.

14                  We think it's an excellent idea, it  
15 provides a key map and it will be extremely useful to  
16 the public in order to be able to go from their  
17 identified values to where the activity is going to  
18 occur on that key map, and then subsequently go to our  
19 recommended proposal of identifying prescriptions and  
20 values on the FRI map. It's an excellent idea and I  
21 think you will see it reflected in our terms and  
22 conditions when we rewrite them.

23                  MNR has also added that existing  
24 management objectives for non-timber values are  
25 described in the plan. From our standpoint we would

1 like to see that more detailed, we would like to see  
2 the timber component of the non-timber programs  
3 identified in the plan, some targets and objectives  
4 established for that. We feel that that would be  
5 appropriate in order to give the plan author a basis to  
6 go and do the actual plan.

7 The other thing is that the timing of the  
8 audit has not been changed, it's still consistent as it  
9 was before in their planning process. We have some  
10 concern with the timing of the audit and being able to  
11 use the audit results in order to produce a plan as  
12 opposed to under MNR's recommendation having an audit  
13 produced after the plan is basically approved.

14 MNR has also made some substantial  
15 movement towards streamlining their AOC process. Where  
16 there is only one option identified in the guidelines  
17 there is no need to document or -- to document --  
18 excuse me, to justify the selection of the preferred  
19 prescription. We feel that will indeed help us. It is  
20 the approach that we would like to see from all  
21 guidelines and still see some value in modifying  
22 guidelines so that they contain a range of acceptable  
23 practices and allow the professionals in the field to  
24 select within that range. So it's similar to what we  
25 are proposing, it hasn't gone to the extent that we

1 would like to see, but it's definitely an improvement.

2 In terms of the document that has been  
3 filed in front of you, we have added one page and it's  
4 page 9 at the top and it's entitled Independent Audits.  
5 That wasn't in the original comparison, so just to let  
6 you know it has been added and it does compare the  
7 Industry's proposal to that of MNR.

8 Q. And what is the difference there, Mr.  
9 Munro?

10 A. The difference is --

11 Q. Comparing what Industry's proposed  
12 which you described in your evidence particularly with  
13 what the August 3rd terms and conditions of MNR say?

14 A. The main difference is that MNR has  
15 acknowledged that there is some value in performing an  
16 independent audit on FMA agreements on a five-year  
17 cycle. We like that idea, we would like to see it  
18 extended and enlarged upon to include all management  
19 units as was our position when we led evidence.

20 Q. That is the crown units as well as  
21 the FMA units?

22 A. That's correct, and the company units  
23 as well.

24 Q. And the company units as well.

25 A. So we see some movement there and we



1 we're certainly encouraged by it. And that covers my  
2 portion.

3 Q. Mr. Fry?

4 MR. FRY: A. In terms of plan production  
5 and review there have been a few changes. Mr. Innes  
6 has referred already to the role of the plan author.  
7 It basically has not changed in the Ministry's new  
8 proposal although as a local stakeholders committee has  
9 been added of course the plan author is not a member  
10 who may attend these, but we see our role -- our  
11 proposal where one of the roles of the plan author is  
12 to chair the local citizens committee as being a  
13 superior approach to face-to-face discussion,  
14 face-to-face meeting with the representatives of other  
15 local interest groups that serves to bring issues --  
16 that forces contact and serves to bring issues to the  
17 surface for discussion and for resolution.

18 The Ministry has added an open house  
19 that, as I understand their terms and conditions, will  
20 be held at the time of the invitation to participate  
21 which is fairly early in the process. We think this is  
22 a positive move in that it recognizes the need for  
23 early input and, in our view, it will serve to improve  
24 input from the public, from interest groups into the  
25 values map, preparation of the values map.

1                   However, the timing of this open house is  
2 quite critical and whereas in our process our first  
3 information centre, as we call it, would be held at a  
4 time that is not only input to the values map possible  
5 by the public but also it provides a number of  
6 executive summaries of background information,  
7 database, the report on past operations, it proposes  
8 some draft objectives and strategies for consideration  
9 by the public, provides a lot more meat for the public  
10 to review and to digest and to come back to us with  
11 their comments.

12                   Q. Why is this better, Mr. Fry?

13                   A. Well, obviously there is analysis  
14 involved in it, there is some prescribed course of  
15 action that are there; whereas in the Ministry's  
16 proposed open house all that would be presented is the  
17 values map as it has been prepared to that point in  
18 time plus other background information that may be  
19 available, but this would be a passive type of  
20 background information, it would be the guidelines that  
21 are available, it would be a copy of the past timber  
22 management plan, it would be results of any audits that  
23 may have been performed on it but no real analysis, no  
24 pulling of information together at that point.

25                   They have also suggested that the

1 prescriptions for their areas of concern could also  
2 show on the 1:15,840 maps similar to what we have shown  
3 in our Exhibit 1276.

4 MR. COSMAN: Which Michele Duvaul has  
5 just handed to me, Madam Chair. Your retrieval system  
6 is working.

7 MR. FRY: Still the information -- the  
8 supplementary documentation in the Ministry's approach  
9 is where the meat and potatoes so to speak of the  
10 various considerations of alternatives, analysis,  
11 proposal, mitigative, preventive measures, et cetera  
12 have been documented and this would continue to form  
13 part of their plan.

14 We believe that the 1:15,840 map is a  
15 very direct, very understandable way of presenting to  
16 the public proposed courses of action to protect values  
17 and it continues to do away with or eliminate a lot of  
18 the bulk that is associated with the Ministry's plan to  
19 this point. I think those are the salient points.

20 MR. COSMAN: Q. Thank you. Mr. Young?

21 MR. YOUNG: A. In the Ministry's revised  
22 term and condition dated August the 3rd in regards to  
23 implementation manuals, they have recognized the need  
24 to review these manuals on a five-year basis and they  
25 state that the revisions would be undertaken by a

1 suitably qualified person.

2 We still believe there is merit in our  
3 provincial technical committee which would be  
4 formulated to review those implementation manuals and I  
5 think the key difference is we want to ensure that  
6 those implementation manuals contain the range of  
7 acceptable practices from which the forest managers can  
8 select prescriptions to protect the values.

9 We feel that the provincial technical  
10 committee will review those implementation manuals and  
11 revise those really to contain three essential  
12 components: No. 1, those implementation manuals must  
13 contain the best scientific knowledge available, and we  
14 feel that the system that we have put forward in our  
15 evidence would ensure that the best scientific  
16 knowledge is available in revising those implementation  
17 manuals.

18 We have also stated that those  
19 implementation manuals must contain provisions to  
20 ensure environmental impacts are considered and  
21 addressed, that is the second point; and the third  
22 point, those manuals must contain the societal needs of  
23 the province, and we feel that the provincial technical  
24 committee is a mechanism that could ensure those three  
25 points are contained in revisions to implementation



1 manuals.

2 MR. MARTEL: Can I ask you why you  
3 think -- is it because the MNR hasn't indicated who the  
4 group would be that would be looking at it that causes  
5 you to make that latter statement that you just made?

6 MR. YOUNG: That's probably right, Mr.  
7 Martel. They stated revisions will be undertaken by a  
8 suitably qualified person and not as a structured  
9 committee as we see it, and we feel that by bringing  
10 the best experts in the field together we will have the  
11 best manuals available.

12 So we feel that in a committee structure  
13 that will allow input from not only experts but also  
14 some other user groups could be valuable.

15 Supplementary documentation of the  
16 comparison of our stance, the OFIA/OLMA and Ministry's  
17 August 3rd terms and conditions --

18 MR. COSMAN: Q. You set these  
19 comparisons out on page 13?

20 MR. YOUNG: A. Page 13, that's correct.  
21 The first point is that the Ministry has suggested that  
22 a summary be produced for each draft and approved  
23 timber management plan very similar to the executive  
24 summary that we suggest would be prepared for our draft  
25 plan, and the Ministry's summary would also encompass



1 some of the topics that we would suggest in our  
2 executive summaries of the background information, some  
3 executive summaries of the database and executive  
4 summaries of the report of past operations. So there  
5 is some parallel there.

6 As Mr. Munro said, the Ministry has, I  
7 think the word he used, has streamlined the AOC  
8 process. Their new terms and conditions states that  
9 where implementation manuals provide only one  
10 alternative or one option that documented justification  
11 is not required, and they have also stated where the  
12 Timber Management Guidelines for Protection of Fish  
13 Habitat are utilized and a reserve prescription is  
14 chosen from those guidelines, documented justification  
15 is not required. So starting to reduce some of the  
16 documentation, the bulkiness of the plans. We see that  
17 as a very positive step.

18 On page 14 we have outlined Ministry's  
19 new terms and conditions in regards to access road  
20 planning with our original proposal and in review of  
21 their August 3rd terms and conditions we see no changes  
22 in regards to access planning.

23 Q. Thank you, Mr. Young. Mr. Suomu?

24 MR. SUOMU: A. Regarding access  
25 planning, the MNR's August 3rd terms and conditions --

1 no, I'm sorry, it isn't on that one, on the bump-up  
2 terms and conditions, MNR's August 3rd draft basically  
3 failed to recognize Industry's concern over the  
4 importance of enabling parties to go through all the  
5 reasonable alternatives prior to initiating bump-up,  
6 bump-up procedures. A request for bump-up can still be  
7 initiated at any time during the plan preparation.

8 But the MNR's August 3rd terms and  
9 conditions do not require that the parties in fact get  
10 together to exhaust all the alternatives prior to going  
11 into the final bump-up phase, and this was the major  
12 concern to the Industry in terms of the results that  
13 could occur if a bump-up was initiated during the plan  
14 itself.

15 We feel that the Industry's proposal  
16 allows a better system whereby bump-up is considered  
17 only as the avenue of last resort.

18 On the amendment terms and conditions  
19 there's basically the MNR has made a change in that  
20 amendment classifications will be made within 15 days  
21 from the request date, and that was what the Industry  
22 had requested in order to speed up the process and  
23 allow the proper channels and planning timetables to be  
24 initiated fairly early in the process.

25 The annual work schedule terms and

1 conditions, the MNR has in fact added translation into  
2 French and the appropriate native languages where  
3 required. We have no problem with that. They also  
4 added that the stakeholders committee would be required  
5 to meet once a year to review the annual work schedule  
6 prior to its approval.

7 The Industry's stand is that the annual  
8 work schedule is in fact a schedule of proposals that  
9 have been approved at the timber management plan level  
10 and we had a little question as to the role of the  
11 stakeholders committee in terms of making decisions  
12 regarding annual work schedules.

13 We have no problem with the plan author  
14 meeting with the stakeholders committee in terms of  
15 reviewing what is to be undertaken during a particular  
16 year, in fact it's a very good idea, it opens the doors  
17 to communication and possibly this could lead to go  
18 beyond just meeting and encourage field visits if  
19 required.

20 As mentioned, the annual work schedule is  
21 in fact a listing of items which have already had  
22 approval under the timber management planning process.  
23 So again, if there are no changes in that stance then,  
24 we would certainly accept those terms and conditions.

25 MADAM CHAIR: Excuse me, Mr. Suomu,

1 nothing has happened with respect to the requirement to  
2 show individual stand listings on the annual work  
3 schedule?

4 MR. SUOMU: No, they are still required  
5 and our stand again was that those stand listings had  
6 already been a requirement, they had already been  
7 included in the timber management plan and to repeat  
8 them annually for a five-year period was basically  
9 unnecessary, and we haven't changed our stance on that  
10 particular item.

11 MADAM CHAIR: Thank you.

12 MR. COSMAN: Q. Thank you.

13 Do any of the other members of the panel  
14 have any additional comments on the revised terms and  
15 conditions of the MNR?

16 MR. INNES: A. Madam Chair, I would like  
17 to make one additional comment. We have been speaking  
18 about changes from the former terms and conditions of  
19 MNR, however, one thing didn't change and that is the  
20 concept of the planning team which MNR has.

21 Our proposal is one in which the planning  
22 team as MNR constitutes it becomes an advisory team and  
23 what we're talking about in our proposal is putting the  
24 direct responsibility on the plan author to write the  
25 plan with the assistance of the technical expertise of



1 those in MNR and with outside MNR and with the guidance  
2 of the various committees and committee structure, but  
3 it's the plan author that writes the plan rather than a  
4 planning team.

5 And I believe, Madam Chair, Mr. Martel,  
6 when you have had a chance to examine the MNR terms and  
7 conditions and specifically when you look at Exhibit  
8 1278C, which is the summary in the second paragraph  
9 there, you will see the words:

10 "MNR has explained that the planning team  
11 which is responsible for the production  
12 of the plan..."

13 And they see it as the planning team who  
14 produces the plan, and we have a big difference in our  
15 terms and conditions where we see the plan author, be  
16 it a plan author working for the Crown or a company, as  
17 being the person directly responsible for the  
18 preparation of that plan and, therefore, the person who  
19 has to be accountable for the plan. And that's quite a  
20 significant difference.

21 Q. Will that still be subject under your  
22 proposed system, Mr. Innes, to MNR approval in the end?

23 A. Yes, of course. It is MNR who has  
24 responsibility for that, but we see one person being  
25 singled out as being that person who has responsibility



1 and, therefore, accountable and traceable.

2 Q. Thank you very much.

3 MR. FRY: A. Madam Chair, if I may add  
4 something with respect to the open house. Ministry's  
5 term and condition No. 14 specifies that the open house  
6 shall be held at the outset of the timber management  
7 planning process and, as I indicated, we feel that  
8 information centre is a valuable thing to have at that  
9 point; however, in their summary report there seems to  
10 be some concern that that might not be, in their view,  
11 an appropriate time to have it and that rather the open  
12 house perhaps should be held at the time of the draft  
13 plan review.

14 We also agree that it is valuable to have  
15 public scrutiny of the draft plan, we agree that it's  
16 valuable to have an open house early in the process.  
17 If the Ministry were to have both of those there would  
18 be then in fact three open houses or information  
19 centers that would be required.

20 Our system would ensure that there is an  
21 open house or information centre early in the planning  
22 process and that would provide input at a time prior to  
23 any decisions being made relative to where operations  
24 are going, direction in the plan, and it would provide  
25 an information centre after the draft plan has been

1 prepared to see how those concerns that have been  
2 expressed by the public have been addressed in the  
3 draft plan.

4 So essentially we would -- in our process  
5 we would simply be removing the information centre that  
6 the Ministry currently has at the time - I'm not sure  
7 what stage that is - preliminary proposal I believe,  
8 stage of preliminary proposals.

9 Q. Is there anything else, Mr. Munro?

10 MR. MUNRO: A. Madam Chair, Mr. Martel,  
11 MNR has provided a summary of the initial costs to  
12 implement their new terms and conditions and we've had  
13 the opportunity to look at that and evaluate it from  
14 the perspective of our proposal, and I think we can  
15 tell you that it would not cost any more to implement  
16 the Industry proposal than that identified under MNR's  
17 new initial costs.

18 MR. COSMAN: Thank you. Those are my  
19 questions, Madam Chair.

20 MADAM CHAIR: Thank you, Mr. Cosman.

21 MR. FREIDIN: In light of Mr. Martel's  
22 comment that he had just received the documents today,  
23 I for some reason was under the understanding that  
24 perhaps the Board had received them earlier.

25 Could I just take about three minutes

1 just to describe briefly what each of the documents  
2 constitutes, Exhibit 1278 are, might help you and Mr.  
3 Martel make your way through them.

4 1278A are the terms and conditions and I  
5 don't believe I need to spend any time on those.

6 1278B, which is the covering letter,  
7 provides by way of background the -- sort of the  
8 process by which these terms and conditions were  
9 revised. On the second page under the heading Format  
10 it describes how you should interpret the terms and  
11 conditions if you are trying to consider whether in  
12 fact there has been a change from the original terms  
13 and conditions.

14 I won't take you through it, but you will  
15 see there is a section, so that you will know when you  
16 read the revised terms and conditions we have attempted  
17 through a number of mechanisms set out on page 2 to  
18 allow you to see which ones are new and which ones have  
19 been revised from the original document which was  
20 filed.

21 You will see on page 3 there is a heading  
22 Outstanding Matters. We had lengthy discussions with  
23 all of the full-time parties and there are still  
24 matters which are outstanding that we want to have  
25 further discussions with. Those are outlined here.

1 The ones Mr. Fry just mentioned about the timing of the  
2 additional information centre or open house that the  
3 Ministry has now put forward in this revised one falls  
4 within that category, but there are a number of ones.  
5 Everything hasn't been dealt with completely yet, and  
6 so we have listed those for your edification.

7 The summary report 1278C is the  
8 Ministry's attempt to summarize what it believes are  
9 the major differences between the various parties in  
10 relation to the subject matters which are listed. It  
11 also attempts in a narrative way to give some  
12 explanation of the rationale for changes which have  
13 been made by MNR and also to give some indication of  
14 the concerns that MNR was attempting to address in  
15 revising or adding new terms and conditions, that's the  
16 14-page document.

17 In terms of its order in terms of the  
18 subject matters in MNR's terms and conditions, you will  
19 note on page 12 through 15 you'll find the additional  
20 cost estimate that Mr. Fry referred to and you will see  
21 that the additional total estimate by the Ministry for  
22 the additional matters is \$2.8 million per year.

23 The last document -- there were two  
24 documents which made up that document. There was the  
25 index, but I would like to just speak for a moment to



1 the document which is entitled -- it's the table which  
2 is the concordance and cross-reference table. I should  
3 just point out, Madam Chair, that as you go across the  
4 page and you see the headings for the other parties  
5 OFIA, OFAH, et cetera, those numbers under those  
6 headings are the terms or conditions which the Ministry  
7 of Natural Resources believes have been addressed in  
8 whole or in part by the revised MNR term or condition.

9 The concordance should not be regarded  
10 as -- under OFAH, in other words, you will not find  
11 probably every OFAH term or condition under the heading  
12 OFAH. The Ministry has note I believe addressed the  
13 concern raised by each term and condition of each  
14 party. What you do have though is the listing of those  
15 which the Ministry does believe that it has addressed  
16 in whole or in part.

17 I think those are the only submissions I  
18 would like to make at this time, Madam Chair.

19 MADAM CHAIR: Thank you, Mr. Freidin.

20 MR. HANNA: Good morning, Madam Chair,  
21 Mr. Martel. It's somewhat sweet sorrow to be here this  
22 morning; sweet to be back in this familiar place,  
23 sorrow to have the holidays over, but I'll introduce  
24 this as softly as I can.

25 Madam Chair, there is a number of



1 exhibits that I will be referring to. I have given the  
2 list to the Board secretary for the benefit of the  
3 other parties. I'll just indicate those now, if I  
4 could. I have also given this to Mr. Cosman.

5 I will be referring to the Baskerville  
6 audit Exhibit 16, I will be referring to a paper by  
7 Dean Baskerville which is on cumulative impacts,  
8 Exhibit 979. I will be referring to a paper by Michael  
9 Oppen which is Exhibit 904. I expect at some point or  
10 another I will be referring to the Class EA which is  
11 Exhibit 4. I will also be referring to the Baskerville  
12 paper that was in the MNR witness statement, Panel 8,  
13 which is Exhibit 378. That was the document that  
14 starts at page 363. And I expect I will be referring  
15 to the moose habitat guidelines and the fish habitat  
16 guidelines which are Exhibits 310 and 303 respectively.  
17 And finally I will be probably referring to Exhibit 810  
18 which is a paper that deals with access and harvest  
19 allocations, planning those.

20 MR. COSMAN: Madam Chair, Mr. Hanna was  
21 kind enough to, as the Board requires, tell us what  
22 particular documents he was going to be referring to.  
23 There is only one additional document which he had not  
24 yet had the opportunity to let us know about, being  
25 Exhibit 810.

1                   He mentioned it this morning to me and  
2           I'll ensure that the witnesses have a chance to review  
3           it tonight, but he did tell us about the other  
4           documents.

5           CONTINUED CROSS-EXAMINATION BY MR. HANNA:

6                   Q.   Mr. Innes, if I could begin with you.  
7           As you recall, it didn't seem that long ago, but last  
8           June we were talking about various definitions and  
9           whatever and there were certain matters that were left  
10          over to today which I would like to deal with.

11                   And first of all I would like to deal  
12          with this matter of definition of production  
13          possibilities, and I would like to have you look at the  
14          transcripts here and assist me here in your  
15          understanding of this.

16                   I would like you to turn first, this is  
17          at Volume 222 and beginning on page 40301 and at line 9  
18          there begins a discussion of the definition of  
19          production possibilities. And if you recall we had a  
20          fairly lengthy back and forth in terms of what was an  
21          acceptable definition, and on page 40305 Madam Chair  
22          asked you a question, she said:

23                    "Is the term production possibilities one  
24                   that you use in your Industry...", that  
25          is starting at line 5, do you see that?

1 MR. INNES: A. Yes.

2 A. Yes.

3 Q. And Mr. Munro responded:

4 "It's not one that I'm familiar with."

5 Madam Chair then asked:

6 "What sorts of words that you use that  
7 approximate part of the meaning of  
8 production possibilities?"

9 And you responded:

10 "Biological potential, site potential."

11 And Mr. Munro responded:

12 "Yield."

13 And Madam Chair said:

14 "Yield."

15 And you then said:

16 "Management strategies."

17 And I must admit, I was sort of stunned  
18 by that. It's my experience this has been a term that  
19 I have encountered fairly regularly.

20 Now, did Dean Baskerville not use the  
21 term production possibilities in his audit that was  
22 published in 1986?

23 A. I believe he did, Madam Chair. I  
24 have read that, but I can't recall precisely where it  
25 is, but it's a common term, it's a term that Dr.

1 Baskerville commonly uses.

2 Q. And did he not also speak extensively  
3 about production possibilities during his testimony  
4 before this Board?

5 A. He did, yes.

6 Q. And I was also reading over the  
7 summer break - some of us reads things on our holidays  
8 that they shouldn't read - but I happened to be reading  
9 some forest management plans prepared in the United  
10 States and I encountered the term production  
11 possibilities on a regular basis. Does that surprise  
12 you?

13 A. No, it doesn't surprise me at all,  
14 Madam Chair. In the Canadian forest industry, in  
15 particular in Ontario and in my company we use the term  
16 production for the production of wood and the word  
17 production has a -- the idea behind it of harvesting  
18 timber and bringing it to a landing in a form that's  
19 merchantable.

20 Q. Are you familiar with the Forest and  
21 Rangeland Renewable Resources Planning Act that was  
22 passed in 1974 in the United States which deals  
23 extensively with production possibilities?

24 A. No, I'm not.

25 Q. Now, I can understand that, but I

1 wasn't here for Mr. Lindgren's cross-examination and  
2 you recall that you used the term production  
3 possibilities on several occasions in your own words  
4 during your cross-examination before I even started my  
5 cross-examination.

6 A. Mr. Hanna, I discovered that reading  
7 that this weekend, yes.

8 Q. And as a specific example of that, if  
9 you look at page -- or at Volume 220 page 39831.

10 MR. FREIDIN: What page.

11 MR. HANNA: 39831.

12 MR. INNES: I have page 39831, Mr. Hanna.

13 MR. HANNA: Q. And this is a question  
14 which Mr. Martel put to you and you're referring to the  
15 work that Dr. Pearce has been retained to undertake,  
16 and you said that he's wrestling with that type of  
17 situation that Mr. Martel was referring to, and you  
18 said:

19 "How do we take a macro view of  
20 production possibilities of forest-based  
21 resources and how do these things fit  
22 together in some way."

23 Now, what did you mean by production  
24 possibilities on that occasion, and if it isn't what we  
25 were talking about, the definition I put to you.



1 MR. INNES: A. May I review what the  
2 question is?

3 Q. Certainly.

4 A. I believe, Madam Chairman, that the  
5 discussion prior to that question was centered around  
6 whether we were talking about timber management only or  
7 the management of all the resources in the forest in  
8 terms of forest management and in that particular  
9 aspect of what Dr. Pearce was supposed to be looking  
10 at, as I understood it, was how we manage for all the  
11 resources in the forest, all forest-based resources.  
12 And in that particular case I was speaking of  
13 production possibilities of all the resources that a  
14 forest could produce.

15 Q. So it is a term that you're familiar  
16 with and one that you use in your own words, but it  
17 deals with not just timber but it deals with other  
18 values also?

19 MR. COSMAN: Madam Chair, I hate to  
20 interrupt so early in the game but there is no issue.  
21 If you go back to the original question, the question  
22 had to do with Industry usage, not academic usage in  
23 terms of terminology.

24 I hate us to start the next two days on a  
25 terminological, idiomological debate on the use of

1 words rather than getting to the guts of it.

2 Clearly these witnesses understand what a  
3 particular term meant. In terms of its usage within  
4 the Industry because of another usage having to do with  
5 the production of timber other words are used, so what?  
6 I just think that we're going to be wasting a lot of  
7 time if we carry on like this.

8 MADAM CHAIR: The Board agrees with Mr.  
9 Cosman, Mr. Hanna. We're hearing -- we're reliving the  
10 discussion we had on the last day of your  
11 cross-examination.

12 MR. HANNA: I guess the point, Madam  
13 Chair, is this, and simply this: I'm concerned that  
14 this witness in this particular instance was being  
15 evasive, that he was attempting to avoid an issue that  
16 he found sensitive and very potentially damaging to the  
17 evidence that he has presented, and I think it's very  
18 clear in the words that this witness has made that  
19 there is something underlying this.

20 When I was proceeding with this line of  
21 questioning with Mr. Innes, as the definition of  
22 production possibilities proceeded Mr. Innes used the  
23 words:

24 "I feel as if the weight of the world is  
25 coming down upon me."

1                   And I was -- it didn't make sense to me  
2                   at the time, it was only when I started looking at all  
3                   of this in context and I started to get the feeling  
4                   that there was something here that Mr. Innes was  
5                   particularly nervous about, that he was particularly  
6                   trying to avoid, and I'm concerned by that.

7                   It has not been any of my  
8                   cross-examination throughout this hearing that I have  
9                   attempted to deal with witnesses that it's clear that  
10                  they're trying to avoid an issue and I think that's a  
11                  critical issue, I think it's a very important issue.

12                  MADAM CHAIR: Mr. Hanna, the Board is a  
13                  bit confused because our recollection of the last day  
14                  of your cross-examination is you didn't ask any  
15                  questions rather than trying to get the witnesses to  
16                  agree with your definitions of various terms.

17                  Maybe we better start asking some  
18                  questions. If you're saying Mr. Innes was evasive  
19                  because he didn't agree with your definition of  
20                  production possibilities, why don't you start asking  
21                  questions about production possibilities.

22                  MR. COSMAN: Madam Chair, I must rise. I  
23                  cannot allow that kind of editorial comment to go  
24                  unanswered on the record.

25                  Again, I strongly object to the

1        characterization of the evidence of this witness as  
2        evasive; on the contrary, he's done his best with a  
3        bunch of convoluted questions from Mr. Hanna, and I'm  
4        quite upset and angry at this kind of characterization  
5        and generally at Mr. Hanna's editorial comments that  
6        precede each of his questions as to what he feels what  
7        his sense of things are, that is not proper. He is  
8        here to ask questions; if he wants to get in the box,  
9        we'll have some fun. He's here to ask questions and  
10       get answers, and it is not his job - and I understand  
11       and appreciate he's not trained as a barrister - but  
12       it's not his job to express his shock and surprise, as  
13       he's done twice or three times this morning, as a  
14       preliminary to his questions.

15                    Allow him to ask his questions and get  
16       his answers and we will get on with this and we will  
17       not waste time as we have done throughout the first  
18       part of this cross-examination before we broke for the  
19       summer.

20                    And again, I strongly object to such  
21       characterization. And, Madam Chair, you yourself have  
22       pointed out that the only questions that were put were  
23       questions as to definition, there was no questions  
24       about it following that debate, and this panel has  
25       shown itself open and willing to answer any question



1 that any cross-examiner wishes to put. And to stand  
2 there and make this kind of comment is improper, and I  
3 suggest to you that Mr. Hanna should be directed to get  
4 on with asking questions and avoiding editorial  
5 comment.

6 MADAM CHAIR: Thank you, Mr. Cosman.

7 MR. MARTEL: I am having some difficulty  
8 with the term evasive that was used. I recall trying  
9 to make notes on that last day and it was rather  
10 difficult and, like my colleague, I think the whole  
11 problem centered around, most of the day centered on, I  
12 recall us breaking so that people could look at the  
13 definition.

14 I was hoping this morning we might start  
15 off with at least what the discussion was going to be  
16 over the ensuing last six weeks to know just what each  
17 of those definitions really are.

18 I'm still confused as to whose  
19 definitions and what definitions we've agreed to,  
20 disagreed with, or -- because I find it difficult to  
21 trace back to what we've really agreed to.

22 MR. HANNA: Mr. Martel --

23 MR. MARTEL: And the evasiveness, I find  
24 that term difficult too because I think it was  
25 difficult for the witnesses to answer because there was



1 some disagreement between you and the witnesses as to  
2 whether your definitions were acceptable to them, and I  
3 thought we would start today at least with some -- I  
4 was hoping we'd get a handout with some definition that  
5 I might look at.

6 MR. HANNA: Mr. Martel, can I response to  
7 that, please? There's two matters that you've raised.

8 MR. COSMAN: I have a handout out for you  
9 that deals with exactly what you have asked, Mr.  
10 Martel.

11 MR. MARTEL: Thank you.

12 MR. HANNA: As far as the definitions go,  
13 Mr. Martel, I have prepared a cross-reference to the  
14 transcripts and if the occasion arises that there  
15 appears to be some semantical difference in what's  
16 going on I will then refer back to the transcript and  
17 the definitions that have been agreed to.

18 I haven't had a chance to speak to my  
19 friend about this handout that he's now spoken about.  
20 I had considered preparing and the reason that I  
21 intentionally did not prepare that is because I don't  
22 want to go back through the hoop all over again and  
23 say: Well, that wording isn't exactly what's in the  
24 transcripts and, therefore, we have to argue again as  
25 to the handout as to whether that's consistent with the

1 transcripts and consistent with -- I don't want to go  
2 through that again.

3 We have the transcripts, the transcripts  
4 said what the witnesses mean and I am prepared to go  
5 with that, that is the record.

6 As far as being evasive, I only raised  
7 that point and I raised it because of the question that  
8 Madam Chair asked:

9 "And is production possibilities a term  
10 that is regularly used in the Industry?"

11 And the answer was no, and that clearly  
12 the record shows that that is not the case.

13 MR. COSMAN: That is not so.

14 MR. HANNA: Mr. -- let me finish please,  
15 Mr. Cosman.

16 MR. COSMAN: You can't misstate a fact to  
17 to the tribunal and then get away with it.

18 MR. HANNA: I have stated a fact, I have  
19 provided factual references in the transcripts and I  
20 will provide you another example where Mr. Innes used  
21 the term production possibilities prior to the  
22 initiation of my cross-examination.

23 So obviously it was a term that he's  
24 familiar with and I take him as being a representative  
25 of the Industry, and that was the point and that was

1 the only reason I raised this issue at this time. I  
2 was concerned by that, and that is what I meant by  
3 evasiveness.

4 I accept Mr. Cosman's comments. Perhaps  
5 I'm not as skilled as a barrister and I shouldn't have  
6 my editorial comments in there but, unfortunately, that  
7 is the reaction that I had when I read those comments.

8 MADAM CHAIR: Mr. Hanna, let's clear this  
9 up. Mr. Innes, is it still your position that the term  
10 production possibilities is not used in the Industry in  
11 Ontario to describe anything other than timber  
12 production?

13 MR. INNES: That is my position, Madam  
14 Chair.

15 MR. COSMAN: Madam Chair, this may  
16 assist. And Mr. Hanna's quite right, the record speaks  
17 for itself, but for Mr. Martel, as a result of his  
18 statement of the last day, I have pulled out of the  
19 record - and it's nothing more than the record so it's  
20 really for the assistance of the Board more than  
21 anything else - the definitions of priority sites,  
22 traceability, production possibilities and tradeoff  
23 decisions as provided in the evidence by this panel and  
24 they're summarized on one document. This is the  
25 evidence as to what these witnesses say those things

1 mean.

2 And it's really a summary, it might be  
3 given an exhibit number for the sake of facility, but  
4 it wouldn't be necessary. (handed)

5 MADAM CHAIR: Do you want this to be  
6 given an exhibit number, Mr. Hanna?

7 MR. HANNA: No, Madam Chair, I would --

8 MADAM CHAIR: And another thing, Mr.  
9 Hanna, let's get to the meat of the cross-examination.  
10 We've been hearing evidence for two years and some  
11 months and we've used these terms, we can't possibly be  
12 hung up on what these words mean after we've been using  
13 them for such a long time and no other party has had a  
14 problem with these definitions.

15 So I really think we can move on from  
16 this and get into the substance of your  
17 cross-examination.

18 MR. HANNA: Fine, Madam Chair. I simply  
19 wish not to have this marked. I don't mind using it as  
20 an assistance. I will try perhaps to provide the  
21 specific page and line references from which this was  
22 extracted or I can speak to Mr. Cosman about that. I  
23 would prefer to use the transcripts themselves.

24 Q. I would like now to deal with Section  
25 2.2 of the witness statement. I believe -- Mr. Innes,



1 starting with page 8, I believe that's a section that  
2 you're responsible for?

3 MR. INNES: A. That's correct, Mr.  
4 Hanna.

5 Q. Now, I've attempted to characterize  
6 the four levels of analysis that you have here to  
7 understand how the pieces fit together and I had to do  
8 that in a written form, and this will assist us I think  
9 in going through this.

10 MR. HANNA: I would like to show this to  
11 you and, Madam Chair, I think for the interest of the  
12 record it might be wise to have this marked as an  
13 exhibit. As I think the last time we had one of these  
14 Mr. Cosman indicated it's not evidence in the sense of  
15 a scientific paper, but it is used simply to assist in  
16 the structure of the discussion that I wish to have  
17 with Mr. Innes in terms of how these four levels  
18 interact in terms of the seven areas of, how should I  
19 say, responsibility and goals of these -- or operations  
20 at these four levels of planning described in Section  
21 2.2 operate.

22 MR. COSMAN: Madam Chair, it's not only  
23 not evidence in the sense of a scientific paper it's  
24 not evidence at all, but if it will help to shorten and  
25 streamline the cross-examination, I have no objection



1 that it be put before the witnesses as a format  
2 prepared by Mr. Hanna for purposes of his  
3 cross-examination.

4 MR. HANNA: (handed)

5 MADAM CHAIR: Thank you, Mr. Hanna. Mr.  
6 Hanna did you request an exhibit number for this?

7 MR. HANNA: Yes, please, Madam Chair.

8 MADAM CHAIR: This will be Exhibit 1280.  
9 It was prepared by Mr. Hanna. The title is Schematic  
10 of Proposed Industry Planning Hierarchy as interpreted  
11 by OFAH. Its four pages and it refers to Section 2.2  
12 of Exhibit 1269.

13 ---EXHIBIT NO. 1280: Four-page document entitled:  
14 Schematic of Proposed Industry  
15 Planning Hierarchy as interpreted  
by OFAH re Section 2.2 of Exhibit  
1269.

16 MR. HANNA: Q. Now, the reason I  
17 prepared this, Mr. Innes, is - I make no pretenses that  
18 this is accurate, I have done my very best - but I  
19 would like your assistance to tell me where I have gone  
20 wrong in this so I clearly understand how the system  
21 works.

22 And perhaps to make this easiest to  
23 introduce this, can we turn to page 3 and deal first  
24 with the local timber management planning process.

25 MADAM CHAIR: Which page was that, Mr.

1 Hanna?

2 MR. HANNA: Page 3.

3 MADAM CHAIR: Thank you.

4 MR. HANNA: Q. Now, if we could look at  
5 first heading A, Responsibilities, or perhaps we should  
6 go to B, the Players, the people involved in the timber  
7 management planning process at the local level there  
8 would be the Ministry of Natural Resources, the local  
9 citizens committee, the local technical committee, the  
10 plan author and the general public. Those are the  
11 people who are interacting in the development of the  
12 timber management plan itself?

13 MADAM CHAIR: Excuse me, Mr. Hanna. A,  
14 through G, are these to correspond with --

15 MR. HANNA: No, Madam Chair.

16 MADAM CHAIR: With nothing. These are  
17 your --

18 MR. HANNA: My headings.

19 MADAM CHAIR: Your headings.

20 MR. HANNA: These are simply the areas  
21 that I want to understand how the plan process being  
22 proposed operates so I am interested in exploring each  
23 one of these areas.

24 MR. INNES: There would also be some  
25 interaction with the IRUC, Mr. Hanna.

1 MR. HANNA: Q. Okay. And the  
2 responsibilities at that level, developing what I have  
3 called production possibilities, to plan specific  
4 objectives, specifying the range of timber management  
5 activities prescribed for generic sites such as working  
6 groups, identifying eligible stands, reviewing and  
7 locating access routes, what's comprised in the timber  
8 management plan.

9 MR. INNES: A. That's correct. And I  
10 think it's spelled out in here as to what happens in  
11 the plan production process in great detail as to how  
12 that goes through.

13 Q. I think that's a fair comment. I'm  
14 not trying in anywhere here to try to, how should I  
15 say, duplicate what you've done there, it's just simply  
16 to make sure that these are the types of things that  
17 they're undertaking and obviously a witness statement  
18 is more comprehensive in respect of that.

19 Okay. And the scope of the analysis,  
20 that would be -- would operate at the forest management  
21 unit level, that's the level at which we plan?

22 A. That's correct.

23 Q. Now, the way that the planning  
24 procedure is analysed and the types of outputs, we  
25 basically would go through and look at the advantages

1 and disadvantages of alternative methods and the final  
2 output of course is the timber management plan, that's  
3 process we go through? That's how the analysis is  
4 carried out?

5 A. Yes, I think that's correct.

6 Q. And we report every five years, every  
7 five years the plan is renewed and is prepared again.

8 And the avenue of appeal in the event  
9 that there's a disagreement with respect to the timber  
10 management plan, we can go to the Ministry of Natural  
11 Resources, we can go to the IRUC and ultimately we can  
12 go to bump-up; that's the way you've set it up at the  
13 present time?

14 A. Those are all correct, and I presume  
15 you mean avenue of appeal to the general public or to  
16 anybody?

17 Q. Anyone who disagrees.

18 A. In the process?

19 Q. Yes. Okay. So I understand the  
20 timber management planning component fairly well. Can  
21 we move then to the field implementation level, and  
22 here we're talking here about prescribing specific  
23 timber management activities for specific sites, you  
24 undertake those activities and monitor compliance and  
25 their effects. That's basically what happens at the



1 field implementation level?

2 A. All those activities take place. I'm  
3 not sure it's responsibilities of...?

4 Q. Yes, the players and obviously this  
5 could have been broken out into responsibilities for  
6 each one. It wasn't my intent to provide a direct  
7 connection, I just want to get a sense of the dynamics  
8 of the different levels.

9 So obviously undertake activities, that  
10 may be the plan author if it's an industrial forest,  
11 and if it's an FMA area MNR foresters wouldn't be  
12 responsible for that; is that your point?

13 A. I think what the point was, different  
14 people may implement compared to those who monitor  
15 compliance, for example.

16 Q. Right, okay.

17 A. But those activities all take place  
18 at a local level.

19 Q. And the people involved, the players,  
20 would be the plan author, MNR foresters and the public  
21 inspection after approval of the annual work schedule?

22 A. Yes, that's correct.

23 Q. And the scope of the analysis would  
24 be the proposed activity areas within the FMU, it's a  
25 sub-set of the FMU?

1 A. That's correct.

2 Q. And the analysis procedure and  
3 output, it would be an internal analysis that would be  
4 undertaken usually by the plan author and the  
5 cost-effective criteria would be used within the range  
6 of acceptable practices?

7 A. Yes, I think that's correct.

8 Q. And the mode of reporting, we have  
9 annual work schedule which the Board has heard about,  
10 and we also have detailed work plans; is that correct,  
11 when you need our permits for Lakes and Rivers  
12 Improvement or those various other permits?

13 A. Madam Chair, those are enabling  
14 mechanisms that allows the process to begin, they're  
15 not a mode of reporting, a mode of reporting I think  
16 would be an annual report which is required under the  
17 planning system to go back to MNR, so...

18 Q. The annual work schedule, is that  
19 what you mean?

20 A. The annual work schedule is an  
21 enabling mechanism, as is the cutting approval, et  
22 cetera.

23 If you're calling this mode of reporting,  
24 there is an annual report which must be prepared at the  
25 conclusion of each year's operations which goes back to

1 the MNR. So those two items that you have listed are  
2 not reporting items.

3 Q. These report, what you're planning on  
4 doing and then you have a report which says what you  
5 did?

6 A. All right, yes, in that sense that's  
7 correct.

8 Q. Okay, good. That annual report back  
9 to MNR, is that dealt with in your witness statement?

10 A. I'll have to ask Mr. Munro that.

11 MR. MUNRO: A. Dealt with, Mr. Hanna,  
12 would you repeat?

13 Q. I just want to know for reference. I  
14 was familiar with that, but I don't remember seeing it  
15 in your witness statement. I won't deal with it right  
16 now, but I just want to know if it's in the witness  
17 statement.

18 A. I think, Madam Chair, we have  
19 mentioned that, I would have to go through it.  
20 Obviously we acknowledge that an annual report has to  
21 be produced yes, and if it's not addressed in the  
22 witness statement, it has to be addressed under the  
23 terms and conditions.

24 Q. Would you mind doing just -- I'm not  
25 thinking of things for people to do over lunch - but,

1 Mr. Munro, could you just look over lunch just as to  
2 the term and condition where that's dealt with, please?

3 A. The annual report?

4 Q. Yes, just what Mr. Innes has referred  
5 to.

6 A. Sure.

7 MADAM CHAIR: Excuse me, Mr. Hanna. And  
8 this is an annual report for each management unit--

9 MR. HANNA: As I understand it.

10 MADAM CHAIR: --as opposed to the annual  
11 report by the Ministry of Natural Resources?

12 MR. HANNA: Yes. I think maybe Mr. Innes  
13 is the person to answer. That's my understanding,  
14 Madam Chair.

15 MR. INNES: Yes, that is correct, Madam  
16 Chair. There is an annual report which is submitted at  
17 the conclusion of each year which reports back to the  
18 Ministry of Natural Resources on what you said you  
19 would do that year in terms of the annual work  
20 schedule, in terms of the operating plan.

21 MR. MARTEL: And that leads to the annual  
22 report prepared by the Ministry of Natural Resources  
23 compilation?

24 MR. INNES: That's correct, Mr. Martel.

25 MR. FREIDIN: OFIA term and condition 55

1 deals with that matter.

2 MADAM CHAIR: 55?

3 MR. FREIDIN: Annual reports.

4 MR. HANNA: Have a good lunch, Mr. Munro.

5 MR. MUNRO: Thanks, I appreciate that.

6 MR. HANNA: Q. And, Mr. Innes, the  
7 reporting frequency is annual or less, like the work  
8 plans you bring in as the work took place, so that  
9 might be even less than a year?

10 MR. INNES: A. Yes, that's correct.

11 Q. And the avenue of appeal for that  
12 local implementation level, you could go to the plan  
13 author and that would be where you would recommend to  
14 go first?

15 A. Yes, that's right.

16 Q. And if you weren't satisfied there  
17 you would go to the Ministry of Natural Resources, the  
18 district office, and beyond that basically it's already  
19 been approved in the timber management plan,  
20 therefore...

21 A. I think there is always an avenue of  
22 appeal, Madam Chair, up through the Ministry of Natural  
23 Resources beyond the district office level should you  
24 want to do it.

25 Q. Okay. Well that's useful. Okay, can



1 we now look at the district level, and the district  
2 level responsibilities I've structured here to try to  
3 be reflective of the bottom up/top down planning  
4 approach that you've spoken about and that's why the  
5 first two tasks, undertake aggregation of the forest  
6 management unit production possibilities, and then  
7 dissegregation from the regional objectives or from the  
8 district objectives down to the forest management unit.  
9 So that's consistent with the type of planning which  
10 you have envisaged?

11 A. That's correct.

12 Q. It would also be the responsibility  
13 of district staff to resolve, I think your term is,  
14 contentious issues?

15 A. Yes, that's correct.

16 Q. And obviously at this level this is a  
17 Ministry of Natural Resources responsibility, it's  
18 occurring -- it's being carried out by district staff;  
19 is that correct?

20 A. We're suggesting, Madam Chair, that  
21 the local citizens committee in conjunction with MNR  
22 have a role involved in this as in, I think we made the  
23 suggestion in oral evidence, that it would be  
24 appropriate in some cases for the local citizens  
25 committee to serve in relation to the more than one

1 management unit, and I would suggest for expediency  
2 they would probably do that, so they would probably  
3 become involved at greater than a management unit  
4 level.

5 Q. Okay, well that's a question -- I was  
6 going to deal with the local citizens committee in  
7 detail, but now that you've raised it right now I would  
8 like to get that clarified.

9 Your proposal for the local citizens  
10 committee is not that there is a local citizens  
11 committee for each forest management unit?

12 A. We have made the proposal in that  
13 fashion, that there should be one for each individual  
14 management unit although I can see some advantages -  
15 and I think we spoke to this in oral evidence - that  
16 there would be situations no doubt where they might  
17 serve on more than one management unit and especially  
18 within a group within that district, I would think.

19 Q. So if there was a multiple local  
20 citizens committee within a district they would  
21 collectively work with the Ministry in this task; is  
22 that how you would see it happening?

23 A. I would think they would provide  
24 valuable advice on a collective basis to the Ministry,  
25 yes.

1 Q. And the scope of analysis, they're  
2 obviously looking at -- it's a district-wide analysis?

3 A. That's correct.

4 Q. Now, how would this procedure take  
5 place, how would they analyse the objectives and  
6 determine how they should be disaggregated to the  
7 forest management units, and how would they take those  
8 production possibilities from the forest management  
9 units and take it up to the top? How physically, what  
10 happens, how would it be done, how do you anticipate  
11 it?

12 A. If I could answer that at two  
13 different defined scales, Madam Chair. My  
14 understanding is that this type of analysis has been  
15 gone through in the production of the district land use  
16 plans and the district land use guidelines in which  
17 they looked at the aggregation of the potential  
18 production possibilities, as it's called here, at a  
19 district level and decided what that district is able  
20 to put together.

21 So there is some existing documentation  
22 out there in terms of the greater possibility in the  
23 strategic land use plan for the area which has then  
24 been broken down to a regional level and a district  
25 level in the district land use plans.

1 I am not aware of the internal process  
2 that MNR makes in revising these and keeping these up  
3 to date, I can't advise you as to what that would be in  
4 response to your last question.

5 Q. I guess the question that I was  
6 asking also -- that's useful, Mr. Innes, but the other  
7 question I was also concerned about is with the timber  
8 management plan it's clearly laid out you have to look  
9 at the advantages and disadvantages of alternative  
10 methods, that's part of the Environmental Assessment  
11 Act, and Industry has been quite clear about having  
12 flexibility at the field implementation level and the  
13 need for efficiency and cost effectiveness.

14 What would you see being comparable types  
15 of guidance to be used at the district level to decide  
16 on the appropriateness of objectives for FMUs, how  
17 would you see that process taking place?

18 How would you decide whether that FMU or  
19 this FMU would meet the greater proportion of the moose  
20 habitat target?

21 A. The way we approach that problem,  
22 Madam Chair, was to establish the integrated resource  
23 users committee at a regional level and because  
24 district boundaries in MNR tend to be administrative  
25 rather than based upon biological considerations such



1 as forest type or watersheds or whatever, other more  
2 geographically appropriate or biologically appropriate  
3 segregation there might be, our way of approaching this  
4 was to establish an integrated resource users committee  
5 which would look at the regional objectives which are  
6 broader than just the district ones and try to assign  
7 with the help of the experts in MNR, or at least put it  
8 the other way around, that the IRUC would attempt to  
9 assist MNR, which is the way it should work, in  
10 deciding where the regional targets would be most  
11 appropriately met in terms of individual management  
12 units.

13 And it was not thought of, Mr. Hanna, as  
14 being done at a district by district basis, although  
15 guidance would be drawn from the district land use  
16 plans or from the district land use guidelines, but  
17 would it be approached on a broader basis than that at  
18 a regional level.

19 Q. Okay. The concern I have here, Mr.  
20 Innes, as I think the Board is well aware, is the  
21 boundaries for example of the wildlife management  
22 units, the regions, the districts and the forest  
23 management units don't all coincide.

24 A. That's quite true.

25 Q. You have got the regional committee

1 saying we need so much moose habitat in wildlife  
2 management unit 13. Now, wildlife management unit 13  
3 falls in two districts, it also falls in 3 FMUs. Now  
4 for you as an industrial forester to use the target,  
5 you have to have a target for your FMU; correct?

6 A. Yes, quite correct.

7 Q. How do you reconcile, how do you get  
8 down to a target for your FMU?

9 A. We have approached that in the  
10 following way: With recognition being given to what  
11 you say that wildlife management units and other units  
12 of management don't necessarily conform to district  
13 boundaries or to management unit boundaries, as I say,  
14 we decided to approach it on the larger scope of a  
15 region and may I remind you we have also said that a  
16 region doesn't necessarily have to be an MNR  
17 administrative region, but it's the one that's most  
18 appropriate in terms of the management of that larger  
19 geographical area.

20 We have given recognition to the existing  
21 management plans for other resources in MNR such as  
22 wildlife management plans and have suggested that those  
23 management plans should be in the database of a  
24 management unit so when it is decided at a regional  
25 level of how the regional target will be broken down

1 into the appropriate number of management units - we're  
2 talking about the timber management component of that -  
3 we are then able to assign that target, a portion of  
4 that target to an individual management unit and also  
5 to be able to relate back to the broader plan of  
6 wildlife management, for example, which applies at a  
7 regional level and it's at the regional level at which  
8 the targets are accepted by that region with the  
9 guidance of the IRUC.

10 Q. Well, let's -- I will come back to  
11 the IRUC. Let's then deal with the district level. Is  
12 the district level's responsibility then accurately  
13 reflected here; in other words, are they really  
14 undertaking this aggregation and disaggregation as  
15 I've described here, or is that really occurring at the  
16 regional level?

17 A. It's occurring both places, Mr.  
18 Martel and Madam Chair. It has been done at the  
19 district level through their process of land use  
20 planning that they have gone through, as I understand  
21 it.

22 We see it as being a more appropriate way  
23 to look at it at a regional level rather than at a  
24 district level, however, it doesn't make sense to throw  
25 out the work that has been done to date and, therefore,

1 we suggest that it can be drawn upon at the district  
2 level to provide guidance, but we have approached this  
3 assignment of targets and the aggregation and  
4 disaggregation at a regional level to a forest  
5 management unit.

6 Q. So I want to make sure I understand  
7 it. So the way that you're conceptualizing this,  
8 because we have got district land use guidelines which  
9 provide some initial direction on many of these  
10 subjects, that the district would be providing, for all  
11 intents and purposes, advice to the regional level but  
12 the division would be made at the regional level. Is  
13 that a fair statement?

14 A. In terms of the aggregation and  
15 disaggregation of targets, yes, that's a fair  
16 statement.

17 Q. Okay. And how would this exercise  
18 that the district is going through in terms of  
19 reconciling the DLUGS with the regional targets and the  
20 FMU production possibilities and whatever, how would  
21 that be reported formally; how would that appear to  
22 members of the public? How do you anticipate being  
23 reported?

24 A. Just so I understand your question,  
25 Mr. Hanna, I'm wondering whether you're looking for



1 some overall report that says we have taken these  
2 targets and assigned them in this direction to these  
3 particular number of places. Is that the sort of thing  
4 you're looking for?

5 Q. Well, they have a set of  
6 responsibilities, specifically the first two, and we've  
7 described how those will interface with the regional  
8 activities.

9 How will the district's advice be  
10 transmitted to the region, in what form will it be  
11 transmitted? Is it simply they'll attend a meeting, or  
12 will it be some sort of regular reporting that will  
13 take place to update and revise these objectives; how  
14 will that take place?

15 A. In terms of timber management, Madam  
16 Chair, it takes place through the, as I understand it,  
17 through the forest production policy which is broken  
18 down to a regional -- from a provincial level to a  
19 regional level, to a district level, to a management  
20 unit level, and then each of those various levels is  
21 very explicitly recognized in that document.

22 I'm not aware of the process that MNR  
23 goes through of revising that or checking it or  
24 adjusting the numbers in the process of that. Maybe  
25 some of my colleagues could assist me.

1 MR. MUNRO: A. What we have outlined,  
2 Madam Chair, in our proposal is in Appendix 1 through  
3 to 3 I think provides an answer to what Mr. Hanna is  
4 seeking in terms of how does it physically happen, how  
5 does it take place. I also think part of the answer  
6 would be in the timetable for timber management  
7 production that we have here.

8 Q. Mr. Munro, just before you go to  
9 that, I certainly understand, in fact, that was the  
10 reason why we were able to move through the local  
11 timber management planning process part of this because  
12 the Industry has set out very clearly what the reports  
13 will be and whatever.

14 And I accept that, that's fine, I  
15 understand that. What we're talking about here now  
16 though is something that is occurring at the district  
17 level, not for an FMU, but occurring at the district  
18 level by district staff.

19 A. Right. I think that is summarized in  
20 some detail in Appendix 1 where the district manager  
21 has to do exactly what Mr. Hanna is suggesting. They  
22 have to look at the planning process and the framework  
23 that's in place in the Province of Ontario, including  
24 district land use plans and the SLUP documents as well,  
25 and we have outlined exactly what the district manager

1 has to do in terms of looking at provincial goals,  
2 regional goals, district targets and identifying  
3 particular problems and issues with those; if it's a  
4 problem with a target, how he's going to address that,  
5 or maybe he's not going to address it, but he has to  
6 outline strategies to address specific problems and  
7 issues dealing with the targets that Mr. Hanna is  
8 referring to.

9 And that carries on into Appendix 2 and  
10 Appendix 3, and there is constant dialogue between the  
11 general public, the stakeholders group under MNR's  
12 terminology and the regional committee. It's quite  
13 explicit as to how that occurs. We could go through it  
14 in some detail.

15 Q. No, I don't disagree that you have  
16 laid it out very explicitly, Mr. Munro, and I thank you  
17 for that, I understand that.

18 What I'm asking here is, that occurs when  
19 you have got a timber management plan initiated and  
20 prepared and these are the responsibilities that a  
21 district manager has when a timber management plan is  
22 prepared; correct?

23 A. Madam Chair, it occurs before the  
24 timber management plan is prepared. As you remember  
25 perhaps in June we outlined and dedicated approximately

1 a year to getting the background information,  
2 integrated resource database, and some of the report on  
3 past operations in place and discussed at great length  
4 with the general public and various technical groups.

5 It takes place well before the actual  
6 plan production starts, and I think we have dedicated a  
7 lot of time and the lot of effort to that.

8 Q. Mr. Munro, I accept that and I wasn't  
9 at all attempting to cast that in any other way. My  
10 question is this: That is a process that is initiated  
11 and occurs on a five-year recurrent basis when the  
12 timber management plan is being prepared?

13 A. Yes, that's correct.

14 Q. Now, that is fine and I understand  
15 that and we have dealt with that. I'm now talking  
16 about district "y". He has to -- the district manager  
17 has to undertake this exercise whenever a timber  
18 management plan is initiated.

19 Now, is it fair then to conclude from  
20 your comment that each time a timber management plan is  
21 initiated in the district it will be at that time that  
22 this will kick in and that's the only time it will kick  
23 and the reporting process will be through the  
24 appendices of the timber management plan and no other  
25 way?



1                   A. Madam Chair, that is the process and  
2 the framework that is in place in Ontario today, yes.

3                   Q. And which you're proposing?

4                   A. Which we're not proposing any change,  
5 that the district land use guidelines and the targets  
6 would be evaluated and through resource management  
7 planning, not necessarily timber management planning.

8                   I would suggest that the same process  
9 would take place if you were planning for fisheries or  
10 perhaps doing a wildlife plan, you would do the same  
11 type of process and it's clearly outlined what that  
12 process is within the planning framework that the  
13 Ministry has tabled before you.

14                  Q. Mr. Munro, and the rest of the panel,  
15 I said this at the last start of my cross-examination,  
16 I repeat it again, I am only dealing with the timber  
17 component of non-timber resources, I'm not talking  
18 about other resource management plans, okay. So I  
19 understand what you said, but let's not keep going back  
20 into that ground.

21                  Now, as far as the reporting frequency at  
22 the district level, it's not annual, Mr. Innes, it  
23 would be whenever a timber management plan was being  
24 initiated according to the Industry's planning  
25 proposal; is that correct?

1 MR. INNES: A. That's correct.

2 Q. And the avenue of appeal to  
3 determinations that were made there that were not  
4 acceptable, they would be beyond MNR because it would  
5 be through the timber management plan and it would be  
6 comparable then to what's shown on page 3 under the  
7 timber management plan itself; because it's only --  
8 they're coincident?

9 A. Yes, that's correct.

10 Q. Okay. Now, let's go to the regional  
11 management level. The responsibilities identified here  
12 are comparable to what I've described at the district  
13 level in terms of bottom up/top down, points 1 and 2.  
14 They have also been given the added responsibility to  
15 be a primary sounding board for local disputes; is that  
16 correct?

17 A. That's correct.

18 Q. And you're also suggesting that they  
19 would review all timber management plans in the region?

20 A. Correct.

21 Q. Okay. And the people that are  
22 involved in this would be MNR and the integrated  
23 resource users committee; correct?

24 A. Yes, and the plan author would also  
25 be involved in that process, Mr. Hanna.

1                   Q. The plan author would be involved.  
2                   Now, what do you mean by the plan author being  
3                   involved, would that be all plan authors within the  
4                   region?

5                   A. The person preparing the plan, as you  
6                   recall, makes a joint presentation with the district  
7                   manager to the IRUC in this particular process, so I  
8                   would have to consider him or her to be one of the  
9                   players.

10                  Q. Okay. And then just back to these  
11                  responsibilities, this aggregation, disaggregation and  
12                  the four steps that are laid out there, they also  
13                  would occur each time a plan author came before the  
14                  IRUC; is that fair to say, that's what simulates it, it  
15                  doesn't occur otherwise?

16                  A. It would provide an opportunity to  
17                  review that in the -- through the IRUC at that time,  
18                  and as a result, it would be a stimulus -- a stimulant  
19                  to have that occur. I don't think necessarily you  
20                  would have to re-examine the process every time it  
21                  came up.

22                  Q. Re-examine the process?

23                  A. Of aggregation and disaggregation  
24                  that you're speaking of in here. For example, if you  
25                  had two management plans from adjacent forest

1 management units from the same area coming before the  
2 IRUC, I suggest you would look at the relevance of the  
3 targets for those areas only once rather than replot  
4 the whole ground a second time.

5 Q. Let's explore that for a minute. We  
6 have a wildlife management unit, let's just keep it  
7 simple, it has two forest management units partially  
8 within it. The author of one of the forest management  
9 units comes before -- with the district manager comes  
10 before the IRUC. That's what you're proposing;  
11 correct?

12 And the plan author says: Here are the  
13 production possibilities, the forest structures that I  
14 can achieve from my forest management unit, and the  
15 IRUC would say: Well, let's see what we've got to  
16 produce in terms of moose off of that wildlife  
17 management unit in total, and on the basis of that look  
18 at your production possibilities and say: Oh, okay,  
19 well that's what's feasible, we need this amount of  
20 late winter moose habitat from you.

21 Mr. Innes, is that the way you see it  
22 occurring?

23 A. I would see it occurring that way,  
24 Madam Chair, but also in fact if there are only two  
25 forest management units within your wildlife management



1 unit, if I was on the IRUC I think it would be most  
2 appropriate to ask that they be examined at the same  
3 time so you could understand what the possibilities  
4 there were and what decisions had to be made in terms  
5 of relevance of targets to those two areas.

6 Q. So what I'm hearing you say then, if  
7 that was the case you would say it would be better to  
8 have both plan authors for each of the forest  
9 management units come jointly before the IRUC and  
10 discuss it at the same time?

11 A. If that was possible that would be  
12 desirable to have it happen that way. If that wasn't  
13 possible to have them both there, if I was sitting on  
14 the IRUC, the way I would see it working would be, I  
15 would like an overview prepared by MNR as background  
16 information as to how they saw the whole picture going  
17 together and then review that with the individual plan  
18 authors coming in.

19 Q. So the way it could happen, if it  
20 didn't happen simultaneously, you could say: Well, we  
21 had plan author A come in and talk to us last year and  
22 this is what we decided for him in terms of moose  
23 habitat requirements, that's somewhat a given until he  
24 comes back to us again, we will work on that assumption  
25 and on that basis decide what's appropriate for your

1 forest management unit; is that what you're saying?

2 A. Yes. The value of the IRUC is in  
3 providing an overview and a larger scope on which to  
4 examine the relevance of targets rather than an  
5 individual -- on an individual management unit basis.

6 Q. Okay. Now, as far as the scope of  
7 analysis go, you just indicated to me that you're not  
8 advocating that the boundaries for the IRUC strictly  
9 coincide with Ministry regional boundaries; is that  
10 correct?

11 A. That's correct.

12 Q. Have you an alternate division of the  
13 province or the area of the undertaking that you're  
14 proposing?

15 A. We have not made a geographical  
16 division, Madam Chair. We have suggested that the  
17 boundaries be adjusted as far as possible to include  
18 whatever management units MNR uses for the management  
19 of timber and non-timber resources dependent upon the  
20 forest; in other words, if it's possible to adjust the  
21 boundary of a "region" such that it includes an entire  
22 wildlife management unit, that would be desirable.

23 Q. Mr. Innes, I would like you to look  
24 at --

25 MADAM CHAIR: Excuse me, Mr. Hanna, I

1 think we are going to break for lunch in another  
2 minute. Is this a convenient time for you?

3 MR. HANNA: Madam Chair, what I would  
4 just like to do is just deal with one matter here, it  
5 would just be two minutes and then -- it's just that  
6 this would be a consistent or a logical point to begin.

7 MADAM CHAIR: Okay.

8 MR. HANNA: Q. Mr. Innes, I would just  
9 like to look at Exhibit 1125 which is the OFAH terms  
10 and conditions and specifically I would ask you to look  
11 at terms and conditions 118 to 122 on page 21 and I  
12 want to see if what the OFAH is proposing here is  
13 consistent with what you have just described?

14 MR. INNES: A. Just a moment, please.

15 MR. COSMAN: If you would like, Madam  
16 Chair, given the time the witness has -- given the  
17 question has been asked, he can look at it over lunch  
18 and then give you a considered answer after the lunch  
19 break.

20 MR. HANNA: Mr. Martel, I see that  
21 Exhibit 1125 is not on the Board's desk. I apologize  
22 for that. I think I had made the, how should I say,  
23 the declaration that I will always be referring to 1125  
24 whenever I'm doing my cross and I for that reason  
25 didn't put it on my list of exhibits. I will in future

1 put it on my list of exhibits.

2 MR. FREIDIN: 1270, it's a big binder.

3 MR. HANNA: The reason, Mr. Martel, I  
4 think we have been around that one also. The concern  
5 that I had is that 1270 does not have the rationale for  
6 the OFAH terms and conditions so I will be referring to  
7 those, so I think 1125 is a better reference.

8 MADAM CHAIR: We have them in our office,  
9 thank you, Mr. Hanna.

10 We will adjourn until one o'clock.

11 ---Luncheon recess taken at 12:00 p.m.

12 ---On resuming at 1:00 p.m.

13 MADAM CHAIR: Please be seated.

14 Mr. Hanna, before we begin, I neglected  
15 this morning to introduce Mr. Daniel Pascoe to  
16 everyone. I think most of the parties have talked with  
17 Mr. Pascoe at some point during the summer adjournment,  
18 but he's with us today, and if you haven't met him  
19 already, then please introduce yourselves.

20 MR. HANNA: Q. Mr. Innes, just before  
21 lunch we were dealing with Exhibit 1288 and we were  
22 dealing on page 2 with the scope of analysis elements  
23 of the regional -- the integrated resource users  
24 committee and we were talking about the fact that the  
25 Industry is looking for a definition of the boundaries



1 of that committee that would not necessarily coincide  
2 directly with those of the regional boundaries, the  
3 administrative boundaries of the Ministry of Natural  
4 Resources and we talked about the fact that all of the  
5 boundaries of various management units are not  
6 coincident.

7 I had asked you to look at the OFAH terms  
8 and conditions on page 21, terms and conditions 118 to  
9 121 which deals with the matter of redefinition of  
10 boundaries of wildlife management units with respect to  
11 forest management units, and I take it you have now had  
12 a chance to look at those?

13 MR. INNES: A. That's correct yes.

14 Q. Okay. Now, I want to first of all  
15 ask a general question: Does this address the type of  
16 problem that we were talking about, not whether you  
17 accept the way, but this is addressing that problem; is  
18 that right?

19 A. You're asking me whether this is  
20 addressing the problem of disparate boundaries?

21 Q. Yes.

22 A. Yes, that's right.

23 Q. Now, I would like to get your opinion  
24 in terms of whether this addresses it adequately in  
25 your view or what you would want to see changed here

1 such that it would adequately address it from your  
2 point of view?

3 A. Madam Chair, we wrestled with this  
4 during lunch time and here's our summary of the  
5 conversation. This group does not understand how the  
6 existing wildlife management unit boundaries were set  
7 and we have no concept of the forces that set the  
8 boundaries as to where they now are, so we don't  
9 understand how they got into being.

10 We have no understanding of the optimum  
11 size of a wildlife management unit since we are not  
12 biologists and we are not skilled in that field. We do  
13 understand, rightly or wrongly, that the MNR does not  
14 plan on the basis of an individual wildlife management  
15 unit but that MNR does do modeling on the basis of  
16 individual wildlife management units for population  
17 modeling according to my colleagues here.

18 Q. Mr. Innes, I'm sorry to interrupt  
19 you. I just want to make sure I understand. What do  
20 you mean they don't plan on the basis of a wildlife  
21 management unit?

22 A. We understand that there is no such  
23 thing as a wildlife management plan for wildlife  
24 management No. "x"

25 Q. Fine, okay.

1                   A. Whether that's correct we don't know,  
2 but that's our understanding of the situation.

3                   Q. Okay.

4                   A. But we do understand that there is,  
5 Mr. Hanna, population modeling for wildlife management  
6 unit No. "x" where they look at a number of variables  
7 and try and forecast a population in that particular  
8 unit.

9                   We can imagine that there would be  
10 implications of changing boundaries as they now exist  
11 but are not able to assess what those implications  
12 would be but recognize there must be something if you  
13 change the boundaries.

14                  So it comes down to the bottom line of  
15 agreeing or disagreeing with your suggestion here, Mr.  
16 Hanna, that we think it would be theoretically  
17 advantageous to manage one area for all resources  
18 utilizing the same boundaries, utilizing consistent  
19 database and being able to model for a multiplicity of  
20 things at the same time.

21                  Obviously when you're planning for  
22 timber, to be able to plan for the timber management  
23 component of other resources would be an advantage at  
24 that time. Plans for example moose management were  
25 drawn up on the basis of a wildlife management unit it

1 would probably be advantageous to do that, however, we  
2 see there has to be a number of pieces put into place  
3 before that can occur such as a geographic information  
4 system for that area, such as a database which is  
5 shared between those that do manage it, et cetera.

6 I hope that is responsive to your  
7 question.

8 Q. All right. Now, I wasn't asking you  
9 here for a comment from a wildlife management point of  
10 view because I accept what you're saying, but there is  
11 a couple of issues here that arise from what you said.

12 First of all, there is a number of pieces  
13 that have to come first, then you said GIS, and I  
14 didn't understand the connection between that and your  
15 previous comments. Could you explain that to me?

16 A. I'm going back to the Baskerville  
17 papers that you suggested that we read in preparation  
18 for this cross-examination, and Dr. Baskerville makes  
19 comments a number of times towards being able to  
20 forecast stand structure in terms of modeling what the  
21 forest will look like for both timber and wildlife, and  
22 to do that I believe he recommends that it's important  
23 to have a geographic information system in place  
24 whereby you can manipulate the data with some degree of  
25 facility to be able to make those forecasts.



1 Q. You're aware also that Industry  
2 witnesses have come forward and said that habitat  
3 supply analysis can be done without a GIS system?

4 A. I'm aware of that. It's much simpler  
5 with one.

6 Q. Sure, okay. So to facilitate it you  
7 would like to have it, yes.

8 A. In a practical sense.

9 Q. But it isn't -- you can still proceed  
10 without it?

11 A. Oh yes.

12 Q. Okay. So I understand that. And the  
13 shared database, what were you referring to there?

14 A. At the moment there is separate  
15 planning for the timber management activities and for  
16 the other activities which manage the other resources  
17 on that management unit, and to be able to have a  
18 database resident in one spot would be of advantage  
19 which is why we are suggesting that the wildlife  
20 management plans, for example, should be in the  
21 background database of the timber management plan.

22 I presume they have much more in the way  
23 of data than what is solely in a management plan.

24 Q. Okay. Well, let's now take these  
25 terms and conditions one at a time. 118 indicates

1       that:

2                   "The wildlife management unit boundaries  
3                   shall be redefined to coincide with the  
4                   existing forest management unit  
5                   boundaries."

6                   Your view is theoretically that sounds  
7       fine, but there may be practical limitations to that?

8                   A. We're saying theoretically that  
9       sounds fine, we're not aware of the biological  
10      implications of that decision and which it  
11      contemplates.

12                  Q. But from a timber management point of  
13      view, if that could be vetted by the biological side of  
14      things, that would assist you?

15                  A. Yes.

16                  Q. Now, let's look at 119:

17                       "Where a wildlife management unit  
18                       encompasses more than one forest  
19                       management unit, all data collected for  
20                       the wildlife management unit shall be  
21                       recorded in a form such that data for  
22                       each forest management unit within the  
23                       wildlife management unit can  
24                       unambiguously be extracted from the  
25                       overall wildlife management unit

1 database."

2 Do you have any problem with that?

3 A. It's beyond the scope, Madam Chair,

4 of the timber management component of that as we

5 understand it. Such the way we have designed our

6 timber management planning system, the person writing

7 the management plan and implementing the plan is

8 responsible for the timber management component of the

9 other resources.

10 Q. All right. So are we just saying

11 then, all timber management component data collected

12 for the wildlife management unit shall be recorded in a

13 form such that the data for each forest management unit

14 within the wildlife management unit can be

15 unambiguously be extracted.

16 Would that satisfy you then? Don't you

17 see an advantage in that?

18 A. With the advice of my colleagues, I

19 cannot see any disadvantage in timber management

20 planning with this, but I am unable to comment on what

21 this seems to be driving towards, which is the

22 biological side, the wildlife management side.

23 Q. Yes, but you've already said you want

24 a habitat target; right?

25 A. Yes.

1 Q. That's where you want to deal with  
2 the interface between the biology and the timber;  
3 right?

4 A. Yes, that's correct.

5 Q. And to get a habitat target I've got  
6 to understand the biology of the moose; right?

7 A. I would think so, yes.

8 Q. And I have got to specify that  
9 habitat target at a level that is meaningful to you  
10 which is the forest management unit level; right?

11 A. I have to have a target for a forest  
12 management unit level.

13 Q. Right. And yet I manage the whole  
14 biology of the moose at a wildlife management unit, so  
15 I have got this discrepancy; right? You've agreed to  
16 that.

17 A. What I think you are describing is a  
18 problem which the wildlife manager has rather than the  
19 timber manager.

20 Q. Right. And I accept your point,  
21 that's really a wildlife issue and you aren't here to  
22 talk about how to deal with that from an administrative  
23 point of view. I'm simply looking at it from your  
24 point of view, in terms of timber management, you want  
25 to be assured that your target is for a forest



1 management unit and if you're assessed in terms of  
2 performance you want to be able to make sure that there  
3 is an unambiguous connection there; correct?

4 A. That's correct.

5 Q. Okay. Can we go back then to Exhibit  
6 1280 and I believe we left off at the scope of  
7 analysis.

8 I would like now to turn to the analysis  
9 procedure and outputs. I didn't fill anything in there  
10 because I didn't really find it that specified  
11 anywhere, and one of the questions that came to mind as  
12 a result of your questions before lunch was: What type  
13 of information would the plan author bring before the  
14 integrated resource users committee, or maybe I should  
15 say the plan author and district manager in  
16 conjunction, because they come together?

17 A. Madam Chair, that's very well spelled  
18 out I believe, Mr. Munro, is it not, within your  
19 presentation?

20 MR. MUNRO: A. It's contained in the  
21 Appendix 1 through to 3 in terms of what would be  
22 identified and highlighted to that group.

23 Q. Okay. So they would come forward and  
24 that's a detailed summary there of what that material  
25 is going to be. Now, what form would that be in; would

1       that be -- would that supplementary documentation be  
2       put together in a draft form and submitted to the IRUC;  
3       is that the way it would work?

4                   A.   Madam Chair, it would actually be  
5       presented in a couple of forms. One is as we explained  
6       earlier, the plan author and the district manager do  
7       have a shared responsibility in sense of putting  
8       together executive summaries of background information,  
9       integrated resource database and report on past  
10      operations and future proposals. That is summarized in  
11      draft form and taken to the integrated resource user  
12      committee.

13                   Prior to going to that committee it's  
14      also taken to the local stakeholders group, the  
15      executive summaries are revised to reflect where  
16      appropriate the comments and input of both advisory  
17      committees, then it's taken back, redrafted per se, and  
18      then it goes through the process once again. Thereby  
19      there's constant communication and dialogue at all  
20      levels, at the forest management unit level, the  
21      district unit -- or district management unit level and  
22      at the regional level as well.

23                   Q.   Can we look behind Tab 2 which is the  
24      summary of the report of past operations and proposed  
25      objectives and targets, and specifically just looking

1 at Table of Contents on page 76 it indicates here that  
2 Section 6 will be --

3 MR. COSMAN: What page, I'm sorry?

4 MADAM CHAIR: 56.

5 MR. HANNA: 76, I'm sorry.

6 MADAM CHAIR: Page 76.

7 MR. COSMAN: Appendix 3.

8 MR. HANNA: I'm sorry, it's Tab 3,

9 Appendix 3.

10 MR. COSMAN: Thank you.

11 MR. MUNRO: Page 76, Appendix 3?

12 MR. HANNA: Q. Yes. I'm just looking at  
13 the Table of Contents page 76. And it indicates there  
14 that Section 6 would be the proposed objectives and  
15 targets for the forest management unit; correct?

16 MR. MUNRO: A. That's correct.

17 Q. And if you look at Section 6, Section  
18 6 -- well, I'll say I don't see it anywhere in the  
19 plan, maybe you can bring my attention to it. It  
20 doesn't talk about production possibilities, it says:  
21 Here is the proposed objective, it doesn't say: Here's  
22 a range of objectives, here's a range of things that we  
23 could achieve off the land base in terms of forest  
24 structure, it says: Here's what we think is best. Is  
25 that correct?

1                   A. In reference to page 76, that's  
2 correct, but I would refer you to page 44 which is  
3 Appendix 1 which is the background information assembly  
4 analysis and review.

5                   Going through the Table of Contents on  
6 page 44 that is where those type of things would be  
7 discussed. We don't use the terminology production  
8 possibilities, we use things like provincial resource  
9 program objectives, regional policies, objectives and  
10 targets, district land use guidelines.

11                  Q. That's all top down stuff, I'm  
12 talking bottom up stuff here, Mr. Munro.

13                  A. All right. In terms of the bottom  
14 up/top down, it's important that we understand that the  
15 district land use guidelines were produced top  
16 down/bottom up-bottom up/top down.

17                  That has already taken place in Ontario  
18 and that's really what is identified on page 44. It's  
19 taking the existing framework for planning in Ontario  
20 and putting it in a batch so that the general public  
21 can pick it up and understand.

22                  What you have is a sample or an example  
23 of what we think the district manager would put  
24 together as an executive summary for distribution to  
25 the general public so that they would have an



1 opportunity to understand the framework that's in place  
2 and how the district manager and the plan author, what  
3 is the basis that they have to start planning from, and  
4 really that is the whole purpose of Appendix 1 and the  
5 subsequent Appendix 2 and Appendix 3.

6 Q. Mr. Munro, can we look at page 1 of  
7 Exhibit 1280 under the regional management level  
8 responsibilities the first point is review aggregation  
9 of district production possibilities.

10 A. Sorry, Mr. Hanna, I lost you.

11 Q. I am on Exhibit 1280 page 1 under the  
12 regional management level, Section A, Responsibilities.  
13 Task one, review aggregation of district production  
14 possibilities. You see that?

15 A. Yes, I see that.

16 Q. Okay. Now, if I heard you correct  
17 you're saying the top down/bottom up or bottom up/top  
18 down has already taken place, that is captured in the  
19 provincial policies, that is a fait accompli and,  
20 therefore, it's strictly a top down process at this  
21 point. Isn't that what you just told me?

22 A. Madam Chair, I think what I was  
23 trying to say is that there has been a process that's  
24 occurred, I forget the dates, called district land use  
25 planning where there was public involvement, where

1 there was Ministry involvement, and they produced a  
2 framework on what the timber resource planning system  
3 has to kind of tie into and there has been some flow of  
4 information back and forth as a result of that.

5 I wouldn't want you to take the  
6 impression that it's all top down now, definitely it's  
7 come down, it's gone back up. We see as the  
8 information coming back down and the district manager  
9 looking at it prior to producing a timber management  
10 plan and saying: Okay, we did this before, let's just  
11 take another look at it and see if it's okay, and if it  
12 isn't he has to identify some of the problems and  
13 issues and address that in terms of an executive  
14 summary outlining some strategies to address those  
15 specific problems and issues dealing with some of the  
16 planning activities that occurred prior to the actual  
17 timber management planning.

18 Q. Mr. Munro, is the integrated resource  
19 users committee presented with alternative forest  
20 structures that could result from timber management  
21 activities on the forest management unit and the  
22 associated, at least, timber production implications  
23 that that has?

24 A. What we have outlined in our proposal  
25 is that the district manager would identify, and let's

1 take moose for an example, would identify that his or  
2 her district had to produce a given population of  
3 moose. They would look at that in the context of the  
4 district and if there were some reason why that  
5 couldn't be done it would be identified.

6 That would be taken -- as well as the  
7 appropriate strategy that they would develop to  
8 overcome the particular problem, that would be taken to  
9 the regional committee for their review he would say:  
10 I have got a target that's 600 moose, my people have  
11 looked at that and they feel that there might be some  
12 need to adjust that, and we outline a process for doing  
13 that, and it goes through the various committee  
14 structures so that problems can be identified up front.

15 Q. Mr. Munro, it was a very simple  
16 question. Will the integrated resource users committee  
17 be presented with alternate forest structures in time  
18 and space by the district manager and the plan author?

19 A. If one of the strategies -- if there  
20 were a particular problem identified and one of the  
21 strategies was that that would be an advisable and  
22 appropriate thing to do, yes, in those cases it would  
23 be.

24 Speaking of moose, one that comes to mind  
25 in the northwest region is, we have had a large number

1 of wild fires over the last 10 years, perhaps one of  
2 the reasons why targets -- our moose target might not  
3 be achieved is that there is not the proper stand  
4 structure in place to ensure that it does, that moose  
5 do actually utilize it, populate the area and if that  
6 was identified as a problem, yes, some production  
7 possibility and some range of -- sorry, I missed your  
8 terminology, stand structures would be put before the  
9 regional committee, yes.

10 Q. Where is that laid out in your  
11 witness statement or the terms and conditions of the  
12 forest industry?

13 A. It's not laid out per se. What is  
14 laid out is, first, let's identify the problem or  
15 issue, let's put together strategies to address it,  
16 let's take that to the advisory committees and have  
17 their input. So to say that it's actually laid down  
18 black and white it isn't, it's not there, simply  
19 because it hasn't been identified as a problem.

20 Q. In the event that it was found that  
21 by whatever means - and I haven't explored that with  
22 you - that the targets in terms of moose habitat that  
23 are supposedly contained in the district land use  
24 guidelines could not be achieved, how many alternative  
25 forest structures would have a be presented to the



1 integrated resource users committee?

2 A. Again, the forest industry hasn't  
3 been through this process, so to put a 1 or a 2 or a 3  
4 option would be hard to do at this time.

5 What would happen is the strategies would  
6 be put before those committees for their input and  
7 review and if they thought it was appropriate to show a  
8 different one, they would identify that and, again, the  
9 district manager would take that advice and go back and  
10 basically redo the executive summaries.

11 Q. Now, back to 1280, Section E on page  
12 2 under the regional level, the mode of reporting would  
13 be the material outlined in your witness statement  
14 behind Tabs 1, 2 and 3; is that correct? That would be  
15 a presented to the IRUC?

16 A. Yes, that's correct.

17 Q. And the reporting frequency would be  
18 not annual it would be on the basis of when a timber  
19 management plan was coming up for review; is that  
20 correct?

21 A. It would be done when a timber  
22 management plan was going to be prepared or produced,  
23 and our timetable calls for that to be about two years  
24 out from where it actually has to be implemented.

25 Q. And the avenue of appeal would be the

1 same as for a timber management plan; first, follow all  
2 possible avenues within the system and if that fails  
3 bump-up?

4 A. The only one that I could think to  
5 add to G would be the plan author.

6 Q. Okay, very good. All right. Can we  
7 now go to the highest level which is the provincial  
8 management level.

9 Mr. Innes, the first two tasks of the  
10 provincial level committees are the same as what we  
11 have identified at the regional and district level.  
12 You'd agree that these are matters that they would  
13 address?

14 MR. INNES: A. I would agree that these  
15 are matters they would address, Madam Chair, but I  
16 think there is a precursor to this, to understand the  
17 policies that were in existence and to understand the  
18 rationale which was applicable to the formulation of  
19 those policies.

20 Q. I think what you're -- as I  
21 understand what you're saying is that in reviewing the  
22 disaggregation of provincial objectives and in terms of  
23 looking at the regional potentials that there is  
24 certain a priori decisions that have been made from a  
25 policy point of view that would be used to guide you in

1       that review; is that what you're saying?

2                   A.   What does society want and was it  
3       possible to have what society wants, so to speak.

4                   Q.   And a major point of reference for  
5       that would be existing provincial policy?

6                   A.   That's correct.

7                   Q.   Okay.  Let's look at No. 3 there,  
8       that's the standardization matter that you have talked  
9       about in terms of the guidelines, manuals and I have  
10      included in there other models such as wood supply  
11      models, habitat supply models, social/economic analysis  
12      tools.

13                   Do you have any problem with those being  
14      included also?  Would you also want those to undergo  
15      the peer review and standardization type of routine  
16      that you have advocated?

17                   A.   For point of clarification, we are  
18      talking about both the provincial technical committee  
19      and the provincial policy committee?

20                   Q.   That is a fair point, Mr. Innes.  I  
21      didn't mention that before.  As you see in the players  
22      there I have lumped them together, although I realize  
23      their tasks.  This is clearly a task that would be the  
24      provincial technical committee but I have lumped them  
25      together.

1 A. Yes, I think that would be  
2 appropriate.

3 Q. And the scope of analysis would be  
4 the province?

5 A. Yes.

6 Q. And the analysis procedure and  
7 outputs in terms of the guidelines and the technical  
8 committee, that would be a peer review type process; is  
9 that fair?

10 A. The analysis procedure would be a  
11 peer review.

12 Q. Right.

13 A. The output beyond tools, public  
14 consultation would surely have to be an assignment of  
15 or advice to MNR for assignment of targets to a  
16 regional jurisdiction.

17 Q. Now, with respect to the procedure in  
18 terms of public consultation, obviously the senior  
19 level policy committee have recommended it has a public  
20 component to it, but what about the average man on the  
21 street, how does he get access or what entry does he  
22 have to the decision-making process and recommendations  
23 coming out of particularly the senior level policy  
24 committee but also the provincial technical committee?

25 A. We see the output of these committees



1 being in the public domain in terms of published  
2 minutes or reports of their activities, and I would  
3 suggest that it would be appropriate that mention be  
4 made of these committees in the annual report of the  
5 Ministry of Natural Resources so that people are aware  
6 of their existence, if they are aware of natural  
7 resources activities.

8 And I think the input to these would, for  
9 the average person, would be available through probably  
10 three courses of action: One, is direct contact with  
11 the Ministry of Natural Resources, the other is contact  
12 with the organizations which represent special interest  
13 groups which make up this committee structure, and the  
14 other would be through the democratic process in terms  
15 of talking to your elected member of Parliament.

16 Q. Okay. There isn't a formal public  
17 consultation procedure per se though that you're  
18 anticipating some sort of regular recurrent opportunity  
19 for a member of the public to comment or review these  
20 decisions and these determinations?

21 A. We had not considered that, Madam  
22 Chair, although it's perhaps worthy of consideration in  
23 terms of a term and condition.

24 Q. Now, mode of reporting. One way that  
25 the output of this exercise would be reported is

1 through a forest production policy and obviously the  
2 final decision is the Ministry's, but these committees  
3 would provide advice to the Minister on that; is that  
4 correct?

5 A. I'm sorry, I don't understand the  
6 question. Could you repeat that, please?

7 Q. Okay. I am looking at Section E,  
8 mode of reporting.

9 A. Yes.

10 Q. And I'm suggesting that one way of  
11 reporting would be through through the forest  
12 production policy inasmuch as the advice that they  
13 provide to the Minister would be reflected in that  
14 policy, may be reflected?

15 A. In that respect, yes.

16 Q. And another way it could be reflected  
17 is in terms of the revised manuals, guidelines, et  
18 cetera?

19 A. Yes, that's correct.

20 Q. And you mentioned one other to me and  
21 that was the annual report that the Ministry puts out.  
22 You said that their existence should be identified in  
23 that annual report. Is that adequate in your view, or  
24 would it be more appropriate to give some description  
25 as to some of the major issues that they had considered

1 and the decisions they had reached?

2 A. The annual report is usually fairly  
3 abbreviated, Madam Chair. I would think the  
4 appropriate thing would be to identify the existence  
5 and the type of work that these provincial level  
6 committees would be involved with, but I would see a  
7 report from the committees themselves being appropriate  
8 to put forth the type of work that they did and what  
9 decisions were made.

10 Q. Okay. And that comes to point F  
11 then, your reporting frequency. You're suggesting that  
12 each of these committees prepare an annual report,  
13 perhaps not long and drawn out, but something to give  
14 the public access to types of decisions and issues they  
15 had dealt with?

16 A. I think that would be appropriate.

17 Q. Now, as far as the avenue of appeal  
18 of decisions by these groups, we have the Ministry.  
19 One of the questions that I had was this and, that is,  
20 can you bump-up a manual or a guideline?

21 A. I'm not able to answer that. Can any  
22 of my colleagues assist in that.

23 MR. COSMAN: That may be a legal issue,  
24 Madam Chair, and I will certainly think about that and  
25 let my friend know what our position is on it.

1 MR. HANNA: Madam Chair, I accept Mr.  
2 Cosman's assistance on that.

3 Q. The reason I asked the question is  
4 this, Mr. Innes. There is obviously a legal side to  
5 it, which I am sure Mr. Cosman will let us know about,  
6 but there is also this side that you've said, in fact,  
7 Mr. Young, I think you mentioned it this morning, the  
8 three components of the guidelines. One of them is  
9 social acceptability, the guidelines supposedly imbue  
10 some measure of social acceptability.

11 MR. INNES: A. Right.

12 Q. And I guess the question is: What  
13 recourse do members of the public have if, in their  
14 view, the guidelines in fact don't reflect their  
15 perception of social acceptability?

16 A. I think we have dealt with that in  
17 rather exhaustive fashion in the enhanced planning  
18 process that we have put forward to the Board and in  
19 that failure to reach satisfaction by an individual  
20 would lead to bump-up.

21 Q. But that would be a bump-up of a  
22 timber management plan or some component thereof, but  
23 say a group looks and says: Look, that moose guideline  
24 says the minimum clear cut should be a thousand  
25 hectares and our group says no it should be 10



1       hectares, and that comes down as an edict from on high  
2       and gets implemented across the province.

3                       Now, theoretically you could ask for  
4       bump-up in every timber management plan that that  
5       occurs, but what about dealing with the real source of  
6       the problem which is the basic guidelines itself, how  
7       do you see that being addressed?

8                       A. We saw it being addressed at an  
9       individual application level in the field, Mr. Hanna.  
10       I would like to say one further thing before you  
11       dispense with Exhibit 1280, and that is to draw your  
12       attention to the fact that each of these committees is  
13       advisory and itself does not make decisions and that  
14       the avenue of appeal then is to MNR.

15                      Q. Yes, I think that is very clear in  
16       your evidence.

17                      I would like now to turn to some of the  
18       detailed comments that you have made or recommendations  
19       you have made with respect to these various committees,  
20       and I would like to start first with the senior level  
21       policy committee and I would like to look at page 10  
22       which is Section 2.2.11.

23                      I believe, Mr. Innes, this is another one  
24       which you're responsible for.

25                      A. True.

1 MR. COSMAN: Page 10.

2 MR. HANNA: Q. Now, when I look at that  
3 list of membership saying that 'at least the following  
4 organizations', I interpret that to say that these for  
5 certain have to be included and there may be others.  
6 Is that a fair interpretation?

7 MR. INNES: A. Madam Chair we thought  
8 these would be appropriate organizations and suspected  
9 there would be others, yes.

10 Q. My question was: Are you suggesting  
11 all of these must be members, plus others?

12 A. No, we are not suggesting that; we're  
13 suggesting these are appropriate representative areas  
14 and, to the best of our knowledge, these organizations  
15 would reflect those areas of interest but perhaps there  
16 is something, for example, more appropriate in the  
17 Ontario Parks Council to represent the parks interest.

18 Q. Okay. So is it fair then to say what  
19 you're trying to transmit to the Board here is that  
20 there should be a broad cross-section of stakeholders  
21 on the committee representing as fair and reasonably as  
22 possible those interests?

23 A. Yes, that's correct.

24 Q. And these are here as illustrative of  
25 the type of interests that you would want to see

1 represented on that committee?

2 A. Correct.

3 Q. Now, I would like to deal with one  
4 organization that you have dealt with there, and I  
5 accept your point that it doesn't have to be that  
6 organization, but that stakeholders group, and that's  
7 the Ontario Professional Foresters Association.

8 Now, must one not be very cautious in  
9 separating professional organizations from public  
10 interest groups and commercial stakeholders?

11 A. I don't know, honestly.

12 Q. Well, let me give you an example. If  
13 it was decided that on this policy level committee, not  
14 the technical committee but the policy level committee  
15 it was decided that you should have a professional  
16 organization like that, could not a similar argument be  
17 made for including, for example, representatives from  
18 the American Fisheries Society, the Wildlife Society,  
19 Canadian Society of Environmental Biologists, Ontario  
20 Society of Environmental Managers, need I go on.

21 Like, why do foresters have some  
22 exclusive professional realm here and yet all the  
23 others don't, all the other professional organizations.

24 A. Our understanding would be that this  
25 senior level policy committee, Madam Chair, was dealing

1 specifically with timber management and it might be of  
2 assistance to that group to have a representative that  
3 was specifically trained in timber management. That  
4 was the rationale behind this.

5 Q. Okay. To provide technical support  
6 to that committee or to act as a representative, a  
7 stakeholder representative. Like, I can certainly  
8 agree with you, Mr. Innes, that this committee you'll  
9 want to provide them with technical advisors, a lot of  
10 technical advisors, and I can see the Ontario  
11 Professional Foresters Association serving a very  
12 useful role in that way, but there is a difference  
13 between that and acting as a stakeholder representing  
14 the public interest, and that's what I want to get your  
15 view on.

16 A. We see this as representing the  
17 public interest in this case as a disinterested  
18 stakeholder on behalf of the people of Ontario for the  
19 value of the forests.

20 Q. And for those timber components of  
21 the non-timber values are there not professional  
22 disinterested organizations that have equally important  
23 capabilities that could be supplied to this sort of an  
24 organization?

25 A. Oh, I'm sure there are.



1 Q. And why have they been excluded?

2 A. They have not been excluded, we use  
3 the terms 'at least'.

4 Q. Okay. Now, I'm going to go through,  
5 this is -- these sections go through each one of the  
6 committees and describe whose on it, what the  
7 responsibilities are, operation, et cetera and I'm  
8 just going to quickly go through and try and see if  
9 there is some situations where one committee said it  
10 should do this and the other committee, it was either  
11 silent on or it said it should be something else, and I  
12 just wanted to make sure that the fact that it isn't  
13 there hasn't some meaning in it.

14 First of all, you indicate that the  
15 senior level policy committee members will receive  
16 remuneration expenses but failed to suggest such for  
17 the provincial technical committee. Why is that?

18 A. I indicated earlier in oral evidence,  
19 Madam Chair, that that was an oversight on our part and  
20 there should be remuneration provided.

21 Q. Likewise you do not suggest that the  
22 provincial technical committee should have minutes that  
23 are publicly available. Why is that?

24 A. As indicated a moment ago, we think  
25 minutes are appropriate. I have no reason for saying

1       there should not be minutes.

2                   Q.   Okay.

3                   A.   I will call it an oversight, Mr.

4       Hanna.

5                   Q.   You indicated also that the  
6       provincial technical committee is not a standing  
7       committee.   Why is that?

8                   A.   We had debate over what the term  
9       standing committee meant and, Mr. Munro, do you recall  
10      that conversation.   I'm not sure I do.

11                   Let me see if I can find what we put  
12      down, and see if anybody else on this committee was  
13      aware of that discussion.

14                   MR. HANNA:   While Mr. Innes is checking,  
15      are we going this afternoon without a break?

16                   MADAM CHAIR:   No, Mr. Hanna.   Why don't  
17      we take a break?

18                   MR. HANNA:   That's fine with me.   I  
19      wasn't proposing it actually.

20                   MADAM CHAIR:   No, we'd like a break.   We  
21      will break from twenty after two until 2:20 today.

22                   MR. INNES:   Mr. Hanna, could you tell me  
23      in terms of what page that is on.

24                   MR. HANNA:   Oh yes, certainly.

25                   MR. INNES:   Maybe someone else on the

1 committee here could comment on the discussions that  
2 were had.

3 MR. HANNA: Q. Well, here's how I came  
4 to that. If you look on page 10, Mr. Innes, under the  
5 senior level policy committee the bullet -- the two  
6 bullets under the one we just discussed in terms of  
7 membership, you will see it talks about appointment and  
8 the three-year turnover scheme that you've proposed and  
9 also you mention it will be a standing committee with  
10 quarterly meetings.

11 And if you look under the provincial  
12 technical committee there is no similar provision made,  
13 it's just silent on it, it doesn't make any comparable  
14 statement.

15 MR. INNES: A. To the best of my  
16 recollection, Madam Chair, our intent in this was that  
17 we have the technical committee appointed by the  
18 Ministry of Natural Resources and that the membership  
19 in the various -- of that committee would in fact be a  
20 membership which would be fairly constant over time as  
21 we were looking for the best technical authorities that  
22 we could find, scientific authorities that we could  
23 find in terms of people who serve on that committee.

24 We didn't -- to that extent it is a  
25 standing committee as the membership would remain

1 fairly constant. What we felt was the committee would  
2 meet on demand as new scientific information became  
3 available and/or as problems were identified from  
4 either a regional or a district level in terms of  
5 implementation, in terms of non-applicability, in terms  
6 of new scientific information being brought to light.

7 So the committee structure would remain  
8 constant and it could be considered to be standing  
9 committee as a result, Mr. Hanna, but it would not meet  
10 on a regularly scheduled basis unless there was a  
11 reason for the committee to meet. And to that extent  
12 it was not put in there "x" number of meetings per  
13 year.

14 Q. Okay. Two questions come out of  
15 that. One, is there not some advantage to have at  
16 least an annual meeting or once every two years, some  
17 just recurrent type process that simply ensures that  
18 you at least remember you're still on the committee, it  
19 may not be a quarterly basis as you've suggested for  
20 the senior level policy committee, but there is some  
21 recurrent basis? Maybe answer that first.

22 A. Certainly there could be advantages  
23 in that. Our appreciation of this committee's work is  
24 starting reviewing the existing manuals and guidelines,  
25 such that the workload would be ongoing for a fair



1 length of time, and that wouldn't be a problem in terms  
2 of not meeting, at least initially.

3 Q. Okay. And meet on demand, demand of  
4 who?

5 A. Demand could be initiated by the  
6 other committee structures or by problems arising at an  
7 implementation level.

8 Q. So if the senior level policy  
9 committee said: We got to get that provincial  
10 technical committee together and look at these fish  
11 habitat guidelines, they're causing endless headaches,  
12 and that would precipitate them meeting?

13 A. It certainly would. Certainly would.

14 Q. Now, I didn't see it mentioned who  
15 the chairman of this provincial technical committee  
16 would be.

17 A. I don't believe we assigned a  
18 chairperson to that meeting, Mr. Hanna.

19 Q. How would one be determined or who do  
20 you feel would be appropriate?

21 A. It's a committee which is going to be  
22 struck by the Ministry of Natural Resources and I would  
23 assume in their wisdom they would appoint somebody  
24 appropriate.

25 Q. Now, on page 13 the first bullet

1       there you provide an outline of professional  
2       disciplines that you feel should be represented on this  
3       committee and, as I understand it, you're talking about  
4       having a sort of committee of the whole and then  
5       potential subcommittees from that to deal with specific  
6       issues; is that correct?

7                   A.   That's correct.

8                   Q.   Now, I'm dealing with the committee  
9       as a whole here for a moment. I don't see any  
10      reference here of people with socio-economic training.  
11      Can you explain to me why socio-economic experts would  
12      not be appropriate for this committee?

13                  A.   I believe, Madam Chair, it would be  
14      appropriate to have somebody with socio-economic  
15      expertise on this committee. We did not in fact list  
16      that. We didn't give an exhaustive list.

17                  Q.   Okay. So again this is an example of  
18      where you have said these -- I think I am too  
19      flambuoyant.

20                  A.   That's possible.

21                  Q.   These are examples as opposed to an  
22      exclusive list of the people that should be  
23      represented?

24                  A.   That's correct.

25                  Q.   Similarly I don't see any mention

1 here of a system planners, modelers, those type of  
2 people. Those would also be appropriate in your view  
3 in terms of this committee?

4 A. Madam Chair, we are looking for  
5 technical and professional expertise as required and if  
6 that was required, Mr. Hanna, certainly it would be  
7 called upon.

8 Q. Okay. Can we move now to the IRUC  
9 committee. I would like to go through a similar type  
10 clarification, if I could. Now, there is no mention  
11 made of remuneration or expenses for members of the  
12 IRUC. Is this an oversight?

13 A. An oversight, Mr. Hanna.

14 Q. And there is no mention of minutes  
15 being publicly prepared for IRUC, again something that  
16 you would support?

17 A. I believe there is somewhere else,  
18 Madam Chair, in the text here that says that their  
19 decisions could be translated either by minutes or by  
20 personal correspondence to the other committees. So  
21 the intent was, yes, we do have minutes for this  
22 committee.

23 Q. Now, looking on page 14 under  
24 operation it says that -- the fourth bullet says:

25 "The IRUC will review the management

1 objectives, values map for each  
2 management plan being prepared."

3 And in the second bullet it describes the  
4 material that the MNR will provide. We talked about  
5 this matter of production possibilities. Mr. Munro has  
6 explained the circumstances under which, in his view,  
7 production possibilities should be brought forward to  
8 the IRUC.

9 In those circumstances then under the  
10 bullet, as far as MNR, you would also have there the  
11 alternate forest structures and their implications in  
12 terms of the timber and the timber component of  
13 non-timber values?

14 A. Are you speaking of the second  
15 bullet?

16 Q. Yes. Would that be something that  
17 the MNR would provide as an overview, and could that be  
18 included there?

19 A. That second bullet, Madam Chair,  
20 begins:

21 "The MNR will provide an overview of...",  
22 was intended to give the IRUC a general appreciation of  
23 how timber management was carried out in that region  
24 and how the goals and objectives were arrived at for  
25 that region and how they were translated to a



1 management unit level and how the district land use  
2 plans, et cetera, inter-reacted with that and how they  
3 were reviewed; in other words, a means of understanding  
4 MNR's management process.

5 I would think it appropriate to respond  
6 to Mr. Hanna's question that the IRUC understand how  
7 the forest structure related to that in terms how it  
8 was enabling, how it was disabling and what the  
9 possibilities were in there to change.

10 Q. The possibilities, but alternate  
11 forest structure possibilities were available to you in  
12 that forest management unit?

13 A. I was about to say, what the  
14 possibilities were for changing forest structure to  
15 change the targets so we could change the ability of  
16 them to produce what was required.

17 Q. Right. And so if you look on page 13  
18 under responsibility, when you say there:

19 "Translate provincial goals and policies  
20 into regional objectives which can be  
21 quantified numerically...", part of that  
22 translation would be looking at those potentials and  
23 saying: What does that imply from a regional objective  
24 and what is required in terms of forest structure?

25 A. There has to be a very -- yes, first

1 of all, there has to be a very clear linkage between  
2 understanding what the output is and how you are going  
3 to get the output, and that has to be established. It  
4 was not been established now in our estimation

5 Q. And the key point that that was  
6 established, what it revolves around is the forest  
7 structure and the timber management activities that you  
8 can use to manage that forest structure?

9 A. That's right.

10 Q. Now, at the bottom of page 14, the  
11 last bullet:

12 "Will be made aware of efficacy studies."

13 That is the first time I have seen  
14 efficacy studies. What are efficacy studies?

15 A. Efficacy studies in our mind, I  
16 believe too there's an interrogatory somewhere on this,  
17 isn't there?

18 MR. FREIDIN: MOE No. 7.

19 MR. INNES: In MOE No. 7 my friend says.

20 MR. HANNA: Q. Well maybe I will refer  
21 to that. Mr. Innes, in the interest of time if it's  
22 there in an interrogatory I will refer to that.

23 Now, how will decisions of the IRUC be  
24 made, will they be made by recorded vote, majority of  
25 votes, unanimous, how are decisions reached? We have

1 got a cross-section of different interest groups  
2 involved here, how is a decision intended to be  
3 reached?

4 MR. INNES: A. The value of the IRUC is  
5 in that of providing advice to Ministry of Natural  
6 Resources and it doesn't have to be as a result of  
7 unanimous decision. We do not see this working as a  
8 voting process where if you have a majority of one vote  
9 it carries a yea and the decision is recorded as a  
10 positive rather than a negative one.

11 We see the value of this committee being  
12 that of giving the regional director of MNR who chairs  
13 the committee a sense of the points of difference, the  
14 points of similarity, a flavour for the conversation of  
15 the way it's going, the depth of the feelings being  
16 held perhaps, and we also see a value in this committee  
17 being able to question the program people of MNR such  
18 as the wildlife biologist, the regional foresters, the  
19 regional engineers for access, whoever it may be and  
20 having them experience the same sort of thing.

21 I think where there is a clear decision  
22 of a majority of the people there without a vote, that  
23 would be quite evident and would be indicated as such.  
24 If on the other hand there is a very positive type of  
25 approach that should be taken, if it's mute, that would

1 be indicated. If there was no decision that would be  
2 indicated in the minutes, but I don't see recorded  
3 votes here.

4 Q. And the record of that flavour of  
5 discussion would be captured in the minutes?

6 A. That's correct.

7 Q. Anywhere else? If there was  
8 correspondence also. I think you mentioned  
9 correspondence.

10 A. Yes, should there be correspondence  
11 between a local citizens committee it would be captured  
12 in those types of correspondence.

13 Q. Now, given what you've told me, you  
14 would agree that those minutes are very important in  
15 terms of accuracy, completeness, et cetera?

16 A. That's true.

17 Q. And I think you have indicated that  
18 there should be some administrative support to this  
19 committee and to all the committees in order to ensure  
20 that this sort of, how should I say, advice is  
21 accurately transmitted to the Ministry?

22 A. There's going to have to be  
23 considerable support especially of the IRUC. That is  
24 quite a heavy workload for these people to undertake  
25 and they will need support.

1 Q. Now, as far as the membership goes I  
2 don't want to go through the same thing we went through  
3 with the senior level policy committee. Again, this is  
4 representative of the kind of stakeholder interests you  
5 want without necessarily being definitive as to the  
6 specific groups that need be represented.

7 A. That's correct.

8 Q. The decision process you've just  
9 described for me, those comments would apply to all the  
10 committees?

11 A. Yes, that's correct.

12 Q. This is a scheduling issue but it's  
13 related to this committee and I want to get clarified.  
14 Mr. Munro, are you responsible for Section 3.2 or who  
15 is responsible for Section 3.2, particularly page 25?

16 MR. MUNRO: A. Yes.

17 Q. Okay. I am looking on page 25,  
18 numbered paragraph 3 indicates that the IRUC will  
19 become involved in the plan on January 31st and that  
20 the local citizens advisory committee doesn't become  
21 involved until May 1st.

22 Now, why is one group involved sooner  
23 than another?

24 A. I'm not -- we didn't mean that they  
25 would not be formed about the same time, but it reads.



1 "By May 1st the district manager and plan  
2 author can convene a local citizens group  
3 to explain the integrated resource  
4 planning system and review what's  
5 happened on a regional basis."

6 It was in our mind appropriate that the  
7 regional committee meet, take some time to digest  
8 what's been put before them prior to sending or  
9 transmitting down to the district level some of their  
10 flavour or their direction in terms of forest  
11 management planning for that particular unit.

12 It's -- there was meant to be some delay  
13 time to ensure that there was the opportunity to ensure  
14 that the regional committee could look at everything  
15 that it had to.

16 Q. What concerns me about this is really  
17 the relative responsibility between the IRUC and the  
18 local citizens committee, and I sat here and listened  
19 to your evidence-in-chief and heard repeatedly: Look,  
20 most of our issues are at the local level, if we can  
21 get out there and talk to those people we can deal with  
22 it, that's the point at which the resolution has to  
23 occur.

24 Isn't that a fair summary of one of the  
25 principal points that you were putting forward?

1                   A. That would represent what we were  
2     putting forward, yes.

3                   Q. Now, this committee structure seems  
4     to violate that, at least in my initial reading of it  
5     and that was that it seems that the responsibility is  
6     being concentrated instead of at the local level at the  
7     regional level in this IRUC committee, that that's  
8     where the resolution takes place, that's where the  
9     contentious issues go and get resolved as opposed to  
10    dealing with it through the local citizens committee  
11    and the plan author and the local district staff of the  
12    Ministry.

13                  And I'm interested in knowing why you  
14    have done that, seeing what you've told us about the  
15    importance of local involvement?

16                  A. Mr. Hanna is correct in some senses  
17    that we do rely upon the regional committee to provide  
18    advice on resolution of potential problems. We also I  
19    believe in our process have put together a process that  
20    enables individuals and the advisory committees to deal  
21    with things to the extent possible in terms of trying  
22    to resolve the issues at a lower level, at the local  
23    level or one-on-one, and that's what we refer to as our  
24    enhanced planning process.

25                  In any system you do need a process of

1 appeal and we see the regional committees being a good  
2 sounding board for the Ministry as well as the plan  
3 author to feel out what the general populace thinks and  
4 that is my extent.

5 Q. I'm hearing what you're saying, and I  
6 don't disagree that the public needs a route of appeal  
7 that's why we're here. I think that the point is, is  
8 that why make the local citizens committee a little  
9 sister to the IRUC, why wouldn't you make them the  
10 primary point.

11 If you want to get a flavour of the local  
12 situation, you want to have local involvement, local  
13 representation, all those things that you've told us  
14 about, why wouldn't you make the local citizens  
15 committee subservient to the IRUC?

16 A. Madam Chair, I don't believe they are  
17 subservient at all. The local citizens committee has  
18 an important role to play in terms of providing advice  
19 to the district manager. Some things need to be dealt  
20 with on a larger basis than at a management unit or  
21 district unit basis and the main function of the  
22 regional committee is to ensure that things are  
23 consistent across the region and that they are  
24 appropriately handled.

25 Q. Mr. Munro, I'm not quibbling with you

1 about the need to have that consistency up through the  
2 system, I accept that, okay, and my client accepts it  
3 and you will see in our revised terms and conditions  
4 that we will endorse it in our draft terms and  
5 conditions. That isn't a problem.

6 The problem is this, is the primary point  
7 of contact in terms of looking at appropriate societal  
8 demand from the forest landbase in terms of timber and  
9 the non-timber component -- or the timber component of  
10 the non-timber values, is that going to occur at the  
11 regional level or at the local level?

12 Just to take your example. I could just  
13 as easily say, at the local level you have to be  
14 cognizant of regional objectives, take those into  
15 account and develop what you think is right for your  
16 local community. Start there and then vet it up  
17 through the system. You're doing it the other way,  
18 you're saying start at the regional level and then take  
19 it down to the local level, and I want to understand  
20 why.

21 A. I'm not sure that we're doing it the  
22 opposite, I think we're doing it identically to what  
23 you described.

24 Q. Then why is the regional committee  
25 involved in the process introduced to the goals and



1 objectives and all the rest of the material on January  
2 31st and the local citizens committee isn't even  
3 convened until May 1st?

4 A. Madam Chair, the obvious answer to  
5 that is that there has to be some translation of  
6 regional goals down to the district level, therefore,  
7 they would have to meet first.

8 So as Mr. Hanna indicated, the regional  
9 committee provides some direction to the local group  
10 and says: Okay, this is the basic direction that we  
11 want you to go, you have to work within that context,  
12 and that is exactly why it's there, and that's why the  
13 timing is so.

14 I'm not -- you need that in order to get  
15 the translation of provincial policy down into regional  
16 goals down into district targets. There is no other  
17 way of doing that.

18 Q. But we have talked about top  
19 down/bottom up planning being an iterative process back  
20 and forth, interact and all those good things.

21 I could just as easily go at the local  
22 level and say: Here's the types of possibilities we  
23 could obtain from this forest landbase, here's what we  
24 as a local community think is reasonable to try and  
25 achieve off of that landbase in terms of timber and the



1 timber component of non-timber values and provide that  
2 back up through the system.

3 It's a chicken and an egg sort of thing,  
4 and I'm just trying to understand why priorities should  
5 be given to provincial objectives - not necessarily  
6 overriding - but there is a certain, how should I say,  
7 inertia in these sorts of things as I'm sure you're  
8 aware.

9 You know, if the objective -- if I come  
10 out in my local citizens advisory committee and I say:  
11 This is what we think is reasonable at a local level,  
12 and go up and you come up against something at the  
13 regional level and say: Hey, wait a minute you have got  
14 to adjust that, you've at least started to think about  
15 it.

16 Whereas if that comes down the pipe to  
17 you it tends to reduce your number of options, if for  
18 no other reason simply the way people operate. Don't  
19 you agree?

20 A. No, I wouldn't agree. If it is a  
21 chicken and an egg scenario, I think we're opting for  
22 the chicken first.

23 Q. That's probably a good place to leave  
24 it.

25 MR. INNES: A. If I might add a word to

1 that, Madam Chair. We take it that we're working in an  
2 existing system in which there are targets, there are  
3 objectives, there are policies and in going along with  
4 Mr. Hanna's ideas that these should be put to the test,  
5 that you should know whether they are relevant or not,  
6 what we're doing by starting with the IRUC is saying:  
7 Would you please examine these broadly, just make sure  
8 they are in context and, therefore, give the local  
9 citizens committee something tangible with which to  
10 start.

11 And it's a way of, in effect,  
12 kickstarting the process without getting outside the  
13 whole boundary of the thing.

14 MR. COSMAN: Madam Chair, perhaps with  
15 Mr. Hanna's permission I can just add one more point  
16 from my own --

17 MR. HANNA: Should I swear you first?

18 MR. COSMAN: No, this is not evidence.  
19 But the assumption of your question was that a lot is  
20 going to be done at the IRUC level. That assumption is  
21 that all, or a great number of disputes are going to be  
22 brought to the IRUC level.

23 Perhaps where the difference is that the  
24 Industry strongly believes that once the direction has  
25 been given, the local citizens level at that point in

1 time most disputes will be resolved and it will only be  
2 the rare dispute, rather than every dispute that goes  
3 back up to the IRUC. So it might just make it a lot  
4 shorter.

5 MR. HANNA: Thank you, Mr. Cosman.

6 Q. Just while we're on page 25, Mr.  
7 Innes, the fourth bullet -- or the fourth numbered  
8 paragraph, it says that:

9 "The local citizens committee will be  
10 convened on May 1st."

11 Is the local citizens committee not a  
12 standing committee?

13 MR. INNES: A. Once it's convened it  
14 will be, yes. We expect that will remain as a standing  
15 committee Mr. Hanna.

16 Q. So this is a one shot --

17 A. Yes, this just kicks it off.

18 Q. Okay.

19 A. This forms the chicken or the egg.

20 Q. But thereafter we don't need to worry  
21 about the flock.

22 MR. HANNA: Madam Chair, this might be a  
23 convenient time for the afternoon break, if you wish.

24 MADAM CHAIR: All right. Thank you, Mr.  
25 Hanna.

1                   Excuse me. Mr. Freidin, when we finish  
2           at four o'clock today the Board would like to hear very  
3           briefly from you about the reason why we are not  
4           hearing argument tonight on the matter you raised  
5           before the break?

6                   MR. FREIDIN: Sure, okay.

7                   MADAM CHAIR: And also we would like the  
8           parties to consider the letter of clarification that  
9           was sent to the parties on July the 6th with respect to  
10          the appointment of Dr. Peter Pearce. That hasn't been  
11          made an exhibit yet at the hearing. We want to know if  
12          there is any objections to making that letter an  
13          exhibit.

14                  MR. FREIDIN: We will address that at  
15          four o'clock.

16                  MADAM CHAIR: Thank you.

17          ---Recess taken at 2:10 p.m.

18          ---On resuming at 2:40 p.m.

19                  MADAM CHAIR: Please be seated.

20                  Mr. Hanna?

21                  MR. HANNA: Q. Mr. Innes, I would like  
22          to finish up with the regional users committee or the  
23          integrated resource users committee.

24                  My understanding is that if there is a  
25          contentious issue at the local level I think it's

1 funnelled to the district manager, he makes a  
2 determination, if that determination is not acceptable,  
3 then that issue can be referred to the IRUC; is that  
4 correct?

5 MR. INNES: A. It could go that  
6 direction, that route, Mr. Hanna. Madam Chair, it  
7 could also go directly from the local citizens  
8 committee that felt they had a problem that was not  
9 being attended to, they could take that to the IRUC for  
10 comment to MNR. So it doesn't have to go -- it doesn't  
11 have to go to the district manager, no.

12 Q. And what happens in the event that  
13 the position of the IRUC and the position of the local  
14 citizens committee differ?

15 A. As in all of these cases, Madam  
16 Chair, MNR has to make a decision. These are advisory  
17 committees and the final decision on these things is  
18 made by the Ministry of Natural Resources and would,  
19 therefore, be their decision to resolve this.

20 Q. Okay. And on page 15 the second  
21 bullet it says that:

22 "One of the responsibilities of the IRUC  
23 is to ensure that there is an adequate  
24 database of information for the  
25 management of each resource."



1                   When you say each resource, you're  
2           talking about timber and the timber component of the  
3           non-timber values?

4                   A. That's correct.

5                   Q. Okay. Now, how would that  
6           determination be arrived at, the adequacy of this, what  
7           would they do?

8                   A. What we were are trying to do in this  
9           case, Madam Chair, was put our finger on a problem  
10          which is reasonably prevalent in that in a lot of cases  
11          there is not information out there with which to assess  
12          the state of management or to make important decisions  
13          upon management choices.

14                   And as a result both the district manager  
15          and the plan author would identify shortcomings in the  
16          database requirements and suggest through IRUC but also  
17          through the local citizens committee that there had to  
18          be a greater collection of data in order to make  
19          decisions or be able to assess the results of  
20          decisions.

21                   So it sort of stems from -- Mr. Hanna's  
22          question, it stems from a local appreciation of the  
23          adequacy of the data by the plan author, by the local  
24          citizens committee, by the district manager, by his  
25          technical staff.

1 Q. And specifically to your witness  
2 statement behind Appendix 1 and 2, these would be where  
3 the IRUC would look to see what kind of data exists and  
4 on that basis make the determination?

5 A. They would certainly look at that and  
6 they may be responsive as well to the formulation of  
7 strategies and targets as contained in those two  
8 appendices.

9 Q. I am dealing specifically here with  
10 data, that's what I want to deal with, Mr. Innes. Now,  
11 what sort of criteria would you see the IRUC using to  
12 decide whether or not the data was adequate?

13 How would you make --like the standard  
14 one you would use in science would be a level of  
15 decision in your error range. How would you determine  
16 whether or not the data was adequate, what criteria  
17 would you see the IRUC using?

18 A. This would begin at a pretty primary  
19 level of is there any data, that is the most common  
20 deficiency at the moment. The second level would be is  
21 there sufficient data, or do we feel that we are unable  
22 to make a decision because of an inadequacy or possibly  
23 of data there, and I don't know whether they would get  
24 to, but I guess it could come to a point of, the  
25 answers we are getting are not sufficiently accurate

1 because of the inadequacy of the database in terms of  
2 accuracy, in terms of subcompartmentation in terms of  
3 covering off a full range of things that need to be  
4 covered off.

5 Q. Is it your view that these criteria  
6 in terms of -- whether or not exists seems pretty  
7 straightforward, but the adequacy, the sufficiency of  
8 the data, that those criteria would be determined by  
9 each IRUC independently, or do you see some process  
10 whereby that can be at least formalized in terms of  
11 analysing the implications if not making the decision  
12 itself?

13 A. Madam Chair, we hadn't got to that  
14 level of detail as our primary concern was that there  
15 be sufficient data in order to manage the particular  
16 resource there as far as the timber management  
17 component of that was.

18 Q. One final point on that, or one final  
19 question on that. Do you see this determination of the  
20 adequacy of the data being a key management decision?

21 A. Yes, we do.

22 Q. But as I understand the Industry's  
23 proposal, you're requesting this Board to basically  
24 defer that determination to the IRUC and the Ministry  
25 on a case-by-case basis?

1                   A. We're asking them, Madam Chair, to  
2 recommend to the Ministry on a case-by-case basis.

3                   Q. But you're not coming to this Board  
4 and saying: Here, Board, to carry through your mandate  
5 in terms of environmental protection here's what we as  
6 Industry feel is the minimum amount of information that  
7 at least should be available and obviously we would  
8 like more than that?

9                   A. No, we have not made that  
10 determination.

11                  Q. Okay. Can we move now to the local  
12 committee, local citizens committee. I believe you had  
13 been questioned on this matter before, but why is it  
14 proposed that the plan author would chair the local  
15 citizens committee as opposed to simply being a member?

16                  A. We feel it's extremely important that  
17 the plan author take responsibility for the production  
18 of the plan, that the plan author be responsible and  
19 there be responsibility attached to the plan author for  
20 the production of the plan, for carrying out the course  
21 of action in the plan and for being assessed as to the  
22 extent of workability and success of the plan.

23                  Along that line we have tried to design  
24 this system whereby the plan author will get as much  
25 direct input as possible and for that result we want



1 the plan author not only on the citizens committee but  
2 chairing that as a means of getting information fed  
3 directly into him or her and giving that person the  
4 responsibility to raise issues, to respond to issues  
5 and not merely to feel that they been given some vague  
6 advice.

7 Q. I'll just make it clear, Mr. Innes.  
8 My client doesn't challenge or disagree with the forest  
9 industry that the plan author should be directly  
10 involved in that committee, it's simply a matter of  
11 what his status is, whether his status is going to be  
12 as a member of the committee or as an ex officio  
13 member, whether he's going to be the chairman or simply  
14 there as a technical advisor, and that is the issue I  
15 want to address.

16 Now, my understanding is that the local  
17 citizens committee is there to provide feedback to the  
18 author in terms of local priorities, social values, all  
19 those sorts of things; isn't that correct?

20 A. That's correct, yes.

21 Q. And isn't there some power in being  
22 the chair? Can't a chairman, if you will, direct the  
23 course of discussion to a degree if he is so inclined  
24 or she is so inclined?

25 A. Certainly that is possible, but you



1 can turn that around just as neatly I think and say:  
2 Is it not possible that the chair pays an awful lot  
3 more attention to the proceedings on the committee  
4 because he or she must be deeply involved in  
5 discussion, listen more intently, and in fact listen  
6 for all the new answers that may be in the  
7 conversation.

8 So it's in our mind a means of focusing  
9 attention on this rather than trying to manipulate in  
10 any way, shape or form what the committee does. We  
11 don't see it as a risk, we see it as an opportunity,  
12 Madam Chair.

13 Q. And you don't see that opportunity  
14 available if the plan author were an ex officio member?

15 A. We think this heightens the  
16 opportunity, Mr. Hanna.

17 Q. Now, the same issue arises with the  
18 district manager. I understand that he's proposed to  
19 be a member of the citizens committee; is that correct?

20 A. That is correct, yes.

21 Q. Now, again we certainly understand  
22 having the district manager present at those meetings  
23 but again serving perhaps as an ex officio member as  
24 opposed to someone formally sitting there expressing  
25 views and trying to influence the opinions of various

1 people in terms of social values as opposed to  
2 technical understanding.

3 Perhaps you can explain to me why you  
4 feel he should be involved in that discussion of social  
5 values and priorities?

6 A. The district manager in our mind must  
7 respond to the committee in terms of how they are  
8 managing a resource in that area, the timber resource  
9 in that area on behalf of the public and how in fact  
10 the wishes in the public in the past have been taken  
11 care of and dealt with in a manner appropriate for that  
12 particular district.

13 And I would think the district manager  
14 would have at his or her disposal past track record,  
15 files, et cetera, plus staff that could assist in this,  
16 and I think they should be an integral part of the  
17 discussion as a result not an ex officio.

18 Q. I don't disagree with the fact --  
19 maybe we've got a different definition of ex officio,  
20 but my understanding of an ex officio member is someone  
21 who sits on the committee but is not formally involved  
22 in terms of the determination of the committee. Is  
23 that your understanding of ex officio?

24 MR. COSMAN: I'm not sure if I  
25 understand, Mr. Hanna, as to how one can be an ex

1 officio member of a non-voting committee. Usually an  
2 ex officio member is somebody on a committee who  
3 doesn't have a say, but since what we are talking about  
4 here is a non-voting, not a decision-making committee,  
5 I am having difficulty with the question.

6 MR. HANNA: It's a fair comment, Mr.  
7 Cosman. I can explain the reason for that, is the  
8 Federation of Anglers & Hunters is proposing a similar  
9 committee with one exception and that is that committee  
10 would be a voting committee, that committee would have  
11 some decision-making power, limited within the scope -  
12 very similar to the scope that the Industry has  
13 proposed - but that it would make final determinations  
14 as a committee.

15 And it's in that respect that we're  
16 concerned having the plan author and the district  
17 manager both formal members of that committee because  
18 of the implications that might have.

19 Q. Now, perhaps I will put this  
20 hypothetical to you, Mr. Innes. If the local citizens  
21 committee was a voting committee, still advisory but  
22 that there was a consolidated opinion ultimately  
23 arising out of the committee's determinations, do you  
24 still hold the position that the plan author and the  
25 district manager should be full members of that

1 committee?

2 MR. INNES: A. Dealing with a  
3 hypothetical situation, Madam Chair, I think the  
4 district manager and plan author should certainly be at  
5 the committee. I would see this as a totally  
6 independent committee in that case that would be run by  
7 the committee members on their own agenda with their  
8 own chair and their own set of rules of order, but that  
9 they function under and, therefore, both members would  
10 have to be non-voting.

11 Q. Are you familiar with the Loon Haunt  
12 example -- the Loon Haunt road example in which a  
13 committee structure similar to what you proposed except  
14 with formal voting powers was set up by the district  
15 manager in Fort Frances?

16 A. I am familiar with the name and I  
17 know there was committee, but I'm not familiar with the  
18 structure, Mr. Hanna.

19 Q. Any other members of the panel  
20 familiar with that?

21 MR. MUNRO: A. Madam Chair, that  
22 committee was struck and our company had a member on it  
23 and I'm somewhat familiar with some of the details as  
24 to having the ability to answer some of Mr. Hanna's  
25 questions in specific, I don't think I would be able

1 to do that.

2 MR. MARTEL: Can I raise a matter. If I  
3 understand you correctly, your client wants the  
4 citizens committee to not be advisory but in fact they  
5 could make decisions?

6 MR. HANNA: That's not correct.

7 MR. MARTEL: Am I wrong?

8 MR. HANNA: Yes.

9 MR. MARTEL: I thought that's what I  
10 heard you say just a moment ago.

11 MR. HANNA: They are still advisory in  
12 the sense that the ultimate decision-making authority  
13 rests with the Ministry of Natural Resources.

14 MR. MARTEL: Right.

15 MR. HANNA: We are not challenging that.  
16 What we are saying, however, rather than simply coming  
17 forward and making a statement as to: Here are the  
18 different views that were presented on a particular  
19 issue, for example let's say it's the amount of moose  
20 habitat, late winter cover was appropriate in a timber  
21 management plan and that would be debated back and  
22 forth among all the various interest groups, and at the  
23 end of the day they come forward and come to a final  
24 determination as to what the committee as a whole's  
25 position would be on that particular issue as opposed



1 to simply a cross-section of views.

2 So there would be finally a vote or some  
3 final mechanism to say this committee in total, this is  
4 what our determination was, but that determination then  
5 would go forward as advice through the process similar  
6 to what the Industry has proposed with another  
7 exception that I will deal with shortly.

8 Q. So, Mr. Munro, you don't know who was  
9 the chairman of the Loon Haunt citizens committee, the  
10 Loon Haunt Road citizens committee?

11 MR. MUNRO: A. Couldn't tell you  
12 offhand, no.

13 Q. And you aren't familiar with the  
14 powers that were given to that committee in terms of  
15 decision-making?

16 A. Not in any great detail. From what I  
17 understand it was a committee that was struck for one  
18 purpose and that was to look at an access issue in the  
19 Fort Frances district. Quite a focused committee in  
20 the sense that it had one objective and that was to  
21 look at access into a particular area of the district.

22 It was very successful and from what I  
23 understand in talking to our company personnel most of  
24 the users that were on that committee were quite  
25 pleased with the outcome and were happy to be involved.

1 In terms of dealing with a specific issue they had an  
2 advantage in that they could focus; whereas the  
3 committee structure that we are speaking of in resource  
4 planning would deal with much larger issues, it would  
5 be giving advice to a large -- on a larger, broader  
6 scale in terms of entire management units as opposed to  
7 one specific access road.

8 Q. But, Mr. Munro, was not the issue  
9 they were dealing with alternative locations of a  
10 forest access road as part of the timber management  
11 plan?

12 A. Yes.

13 Q. And that's a part of the timber  
14 management planning process; is it not?

15 A. It's one element, one road in that  
16 particular timber management plan, yes.

17 Q. Now, are you saying that in the  
18 proposal that you're bringing forward that the local  
19 citizens committee would not be looking at that sort of  
20 a matter as part of their review of the timber  
21 management plan and that they would not be looking at  
22 that level of detail?

23 A. Madam Chair, they certainly would be  
24 looking at that level of detail but over a much broader  
25 area, instead of one road, for the sake of argument, it

1 could be 30 or 40 roads that they would be looking at  
2 in that detail.

3 Q. In one forest management unit in a  
4 five-year planning horizon?

5 A. I think 30 roads would be a  
6 conservative number, yes.

7 Q. Primary and secondary roads?

8 A. Yes.

9 Q. And are you suggesting then that the  
10 level of detail that the Loon Haunt people were  
11 involved in would not be appropriate for other roads.

12 A. I think, Madam Chair, it would be  
13 appropriate if there was a particular sensitive issue  
14 and I would see that occurring and it would actually  
15 parallel in some respects our enhanced planning process  
16 where there was a very sensitive area, there was a  
17 number of parties that had concerns, I can see possibly  
18 a subcommittee being organized to address that, it  
19 would be dealt with to deal with the specific road  
20 issue at a specific point in time. So I do see that  
21 application as being available even under our process.

22 Q. So at least in a general sense the  
23 type of exercise that, based upon your understanding,  
24 the Loon Haunt Road citizens committee undertook and  
25 what you're proposing as a local citizens committee

i would be comparable in that respect, at least for the  
2 sensitive types of sites you're talking? About.

3 A. It would be a subcomponent in some  
4 respects. If it was felt or deemed appropriate by the  
5 district manager in fact that could happen.

6 Q. All right. Mr. Innes, a couple more  
7 details here with the local citizens committee. There  
8 is no mention here of the length of membership, the  
9 rotating membership type of thing that you described  
10 for the IRUC. Why not?

11 MR. INNES: A. First of all, an  
12 oversight on our part not to mention the length of  
13 membership but, secondly, as I mentioned a moment ago,  
14 we see this as a standing committee that would stay for  
15 that management unit if possible.

16 Q. But just so -- I don't want to get  
17 this any more complicated than it has to be.

18 A. You already have.

19 Q. The IRUC is already -- is a standing  
20 committee also; isn't it, and you specified here the  
21 number of meetings and that you should have this  
22 rotating membership and whatever. I don't want the  
23 detail right now, but you would see comparable type of  
24 requirements for the local citizens committee?

25 A. That's correct.



1 Q. And I think I asked you this, the  
2 remuneration and expense issue that should carry for  
3 all of these committees?

4 A. That's correct.

5 Q. And the minutes we have dealt with  
6 them, they aren't -- it's just because they weren't  
7 specified in here, I just want to make sure, the  
8 minutes should be publicly available in a document?

9 A. Yes.

10 Q. Now, in the Anglers & Hunters terms  
11 and conditions we have what we call a public advisory  
12 committee which I would submit to you has some  
13 similarities to the local citizens committee that you  
14 propose, and one of the roles that we had identified  
15 for the -- I'm looking now on page 11 of Exhibit 1125,  
16 condition 58.

17 The sixth purpose is to participate and  
18 facilitate public consultation during the preparation  
19 of the timber management plan. Do you see this as  
20 being consistent with your proposal for the local  
21 citizens committee; do they have a role in that  
22 respect?

23 MR. MUNRO: A. Excuse me, Mr. Hanna,  
24 which section again?

25 Q. It's page 58 -- page 11, condition



1 38, sub 6.

2 A. Very good, thank you.

3 MR. INNES: A. Madam Chair, we saw the  
4 public participation being as outlined in our proposal  
5 through the two open houses that we had structured -  
6 correct me, Mr. Munro - that we had structured there  
7 and we saw an additional part of the public  
8 participation being through the local citizens  
9 committee and, therefore, did not see them as designing  
10 additional participation beyond that.

11 I think they would be known and people  
12 could speak to them and try and sway their views or  
13 bring their viewpoints forward, that is quite  
14 acceptable, but we do not see them organizing anything  
15 additional to that, Mr. Hanna.

16 Q. Okay. I think you have a  
17 misunderstanding here and I would like to clarify that.  
18 There wasn't any suggestion in that - at least I don't  
19 see it - of designing or conducting additional public  
20 consultation, saying that public consultation that is  
21 proposed, that the members of the local citizens  
22 committee would be involved in the organization and  
23 conduct of that public consultation but not that they  
24 would have independent public consultation beyond that.

25 Now, I want to know whether that would be

1 consistent, you're proposing two public open houses.

2 Do you see a role for the local citizens committee as  
3 part of that exercise?

4 MR. COSMAN: I'm not sure if I understand  
5 the question before the witness answers. I mean, would  
6 they attend at the public information centres, is that  
7 what you're saying?

8 MR. HANNA: Q. Would they attend, would  
9 they be there to answer questions of the public, would  
10 they be there to help to explain as laymen as opposed  
11 to technical experts their understanding of what is  
12 being proposed, et cetera, et cetera, et cetera.

13 Would they have name tags on saying that  
14 I am John Doe and I am a member of the Marathon local  
15 citizens committee?

16 MR. INNES: A. Madam Chair, Mr. Martel,  
17 we haven't thought that through to that stage. I would  
18 suspect that there would be some degree of ownership in  
19 a timber management plan by this committee inasmuch as  
20 there is a lot of hard work involved with this thing  
21 and, to that extent, I would see it appropriate that  
22 they would be at the open houses, also that they would  
23 want to be there, and most appropriate that they be  
24 identified as members of the local citizens advisory  
25 committee if nothing else, for no other reason, to give

1       them some credit for the amount of work they have done  
2       and, secondly, to allow perhaps a little more informal  
3       discussion on a one-on-one basis with members of the  
4       public that might feel more comfortable in speaking  
5       with them directly then with some government official  
6       or plan author.

7                   Q.   Seeing you haven't had an opportunity  
8       to discuss that with other members of your panel, I  
9       would just like to see if everyone else is in agreement  
10      with it. I am for what it's worth, but I just want to  
11      make sure there isn't any disagreement on the panel in  
12      that matter.

13                   MR. FRY: A. I am in agreement with what  
14      Mike has said.

15                   MR. MUNRO: A. I am in agreement with  
16      anything that would provide greater public input and I  
17      think it would with the committee.

18                   MR. YOUNG: A. I would also add, Mr.  
19      Hanna, that I could foresee the member of the local  
20      citizens committee making sure or encouraging the  
21      members that he's representing to attend.

22                   Also if a member of the local citizens  
23      group is a member of the local fish and game club, I  
24      think he could discuss the matter with his local group  
25      and encourage them to participate in public

1 consultation, and that is what we are hoping, that  
2 would get more public consultation.

3 Q. Mr. Innes, I would like to come back  
4 to another one of my favourite topics. This  
5 cross-examination will be known as the  
6 cross-examination of production possibilities, and I am  
7 interested in knowing whether the local citizens  
8 committee will be provided with the range of production  
9 possibilities as you have defined for the FMU at some  
10 point during the timber management plan preparation?

11 MR. INNES: A. Madam Chair, production  
12 possibilities as we have defined them for this hearing  
13 in terms of altering stand structures is not something  
14 which is commonly dealt with in the current planning  
15 process in a detailed fashion to the best of my  
16 knowledge.

17 As Mr. Munro explained a little while  
18 back, it does come up in terms of the resolution of the  
19 problems that arise in the course of deciding which  
20 operations may or may not come about and it's during  
21 that discussion that alternate stand structures are  
22 talked about and brought forward and examined. Those  
23 types of situations would certainly be brought before  
24 the local citizens committee for discussion.

25 Perhaps I can give an example to



1 illustrate what I mean there. This comes from our  
2 Thunder Bay operation of Abitibi-Price in which an area  
3 was sprayed to protect it against the spruce budworm in  
4 order to hold it for harvesting at some time in the  
5 future and a timespan was identified for the harvest of  
6 that protected stand.

7 A rather interesting discussion occurred  
8 which maybe Mr. McNicol is aware of in terms of how to  
9 manage that area for moose population and moose browse,  
10 and obviously it was a situation fraught with  
11 difficulties because the area had money spent on it to  
12 protect it so it could be protected, yet in the  
13 biologists' opinion there had to be moose browse left  
14 in the area and in the foresters' opinion if you didn't  
15 harvest most of that area it was going to die, fall  
16 down and you would end up with another balsam stand in  
17 its place which would be just as budworm susceptible  
18 for the future.

19 And what ended up was a whole series of  
20 discussions back and forth: If we did that what would  
21 the resulting stand structure look like, what does it  
22 look like now in terms of moose protection, what will  
23 it look like in 5, 10, 20 years' time, what will that  
24 do to the forest, what would it do to the moose, et  
25 cetera.



1                   So in that type of example, Madam Chair,  
2                   production possibilities were examined and those are  
3                   the sort of things, Mr. Hanna, that would be brought  
4                   brought before the local citizens committee for their  
5                   understanding and advice.

6                   Q.   Which forest management unit was  
7                   this, Mr. Innes, please?

8                   A.   That was for the Abitibi-Price FMA  
9                   in Thunder Bay. That plan is just being worked on now,  
10                  Mr. Hanna.

11                  Q.   And these discussions took place  
12                  when? First of all, when did you spray to protect  
13                  against budworm?

14                  A.   I don't have the exact date, Madam  
15                  Chair.

16                  Q.   Approximately?

17                  A.   But it would be something like the  
18                  early 80s, late '82, somewhere around that timespan.  
19                  Late '84, somewhere around that.

20                  Q.   And the discussions how to manage the  
21                  site for moose browse, when did that take place, the  
22                  discussion between --

23                  A.   Those are ongoing at this particular  
24                  point in time, as I understand.

25                  Q.   And when were they initiated?

1                   A. With the start of the management  
2 planning process, Madam Chair, which is about nine  
3 months old I guess.

4                   Q. Okay. Now, it's encouraging to hear  
5 that you and Mr. McNicol are having these sorts of  
6 discussion and those considerations are --

7                   A. Could I just correct you on that,  
8 please. Madam Chair, it's being done at the local  
9 planning team level between Abitibi-Price foresters and  
10 MNR technical.

11                  Q. I presumed it wasn't you personally.

12                  A. I personally am not involved with  
13 that.

14                  Q. Now, the question that I'm interested  
15 in knowing, and maybe you can get me the specifics on  
16 this, is those discussions, what documentation, what  
17 underlying analysis and where was that, has it been or  
18 will it be presented to the public in what form?

19                         Can you get me that information?

20                  A. I can advise, Madam Chair, that there  
21 are minutes of the planning team and beyond that I'm  
22 not able to answer Mr. Hanna's question.

23                  Q. Could you find that information out  
24 for me? It seems like it's pretty straightforward  
25 seeing that plan is underway at the present time, we

1 have got one of the parties here in the room - maybe we  
2 don't. It's certainly within your company's purview.  
3 Is it that difficult to provide that information to me?

4 A. If you could tell me precisely what  
5 you would like me to try and find out, I will undertake  
6 to do it.

7 Q. I think it's on the transcript, but  
8 if you want I will list it again for you.

9 MR. COSMAN: If you could do that for my  
10 sake as well, I want to be specific.

11 MR. HANNA: I would like to know when the  
12 discussions were initiated, who was involved, the  
13 alternatives considered, the basis for predicting the  
14 outcome of the alternatives?

15 MR. COSMAN: That wasn't on the record.

16 MR. HANNA: You're right. Whether that  
17 has been reported to the public, and if it has or it  
18 will be reported to the public, I would like to have  
19 the documentation that will be made available to the  
20 public.

21 If it's proposed to be made available to  
22 the public, I would like to know at what point in the  
23 timber management planning process it's proposed that  
24 that will be made available?

25 MR. COSMAN: That is in the present

1 timber management planning process?

2 MR. HANNA: Yes.

3 Q. As I understand, Mr. Innes, this is  
4 an ongoing -- you're in the pre-planning phase of this  
5 timber management plan; is that correct?

6 MR. INNES: A. The plan is being put  
7 together now. What phase it's at, I'm not sure I can  
8 answer.

9 Q. Yes. It's the ongoing -- it's the  
10 plan, what I'm interested is the plan that's currently  
11 under preparation.

12 A. That's correct. I will undertake  
13 then, Madam Chair, to find an answer to those seven  
14 requests.

15 Q. Okay. Now, in the event of these  
16 types of situations arising, over what time horizon is  
17 it the Industry's view that the analysis should be  
18 carried out, or how long, a rotation of the forest, 10  
19 years, three years?

20 MR. FREIDIN: Sorry, which analysis are  
21 we talking about now?

22 MR. HANNA: The analysis that I just  
23 described to Mr. Innes, the analysis of alternative  
24 forest structures, or what we term production  
25 possibilities and the associated implications for



1 timber and the timber component of non-timber values.

2 MR. INNES: Mr. Hanna, Madam Chair, for  
3 point of clarification are you talking about the length  
4 of time the analysis should span or the length of time  
5 over which the analysis should be carried out?

6 MR. HANNA: My next question was time  
7 step, so if you want to deal with both the interval and  
8 the length, I am happy to hear both at the same time.

9 MR. COSMAN: Shall we make that 8 and 9?

10 MR. HANNA: Q. No, I'm asking now. I  
11 don't mind if you want to give me that for the  
12 undertaking, but I'm more interested right now as a  
13 generic hypothesis in terms of the planning process  
14 that the Industry is proposing, what is a reasonable  
15 time horizon and what's a reasonable time interval to  
16 undertake that sort of analysis?

17 MR. INNES: A. I believe, Madam Chair,  
18 it would depend on the individual situation being  
19 looked at. For example, if you were looking at old  
20 growth, and old growth in this case happened to be jack  
21 pine on an upland site, an old growth in this case  
22 could be 120 years of age in which the stand could  
23 collapse within a short number of years, I would be  
24 looking in this particular case at the appropriate time  
25 to be covered to be that of the current until the stand



1 collapsed and a new stand commenced because you would  
2 then know what the progression of the new stand would  
3 be fairly well, but in a different situation --

4 Q. Mr. Innes, I'm sorry, but that's how  
5 you define horizon or the interval?

6 A. That would be the horizon I would be  
7 looking at, Mr. Hanna.

8 Q. Sorry, continue.

9 A. What I'm trying to convey to the  
10 Board would be, I think it would be on a case-by-case  
11 basis taking you from the current situation into one  
12 which you would be able with a fair degree of certainty  
13 to anticipate what would happen beyond that, taking you  
14 for example from one point through a period of  
15 uncertainty to a point where there would then be some  
16 degree of certainty in terms of what the stand  
17 structure, how it would revolve.

18 Q. Well, let's talk about your old  
19 growth example. You're saying it's 120 years old,  
20 let's say it collapsed at 160; is that right?

21 A. Certainly.

22 Q. So you're saying we should look 40  
23 years into the future?

24 A. (nodding affirmatively).

25 Q. Now, you're saying after 40 years

1       that stand will undergo a major rejuvenation through  
2       nature and the whole new cycle will take place at that  
3       time?

4                   A. Yes and you can pretty well  
5       anticipate what the new cycle will be.

6                   Q. Okay. Now, I can understand that  
7       from a stand level, I'm trying to think about from a  
8       forest level perspective and here's what I'm thinking.  
9       So in that old growth stand I may have a series of  
10      alternatives that are available to me: Harvest it now,  
11      harvest it in 10 years, harvest it in 40 years, don't  
12      harvest it. And each one of those has implications at  
13      a forest level; don't they?

14                  A. Inasmuch as that stand is one  
15      component of the forest, yes.

16                  Q. And when I make that action whether  
17      it's decide to cut now later or never, that has  
18      implications in terms of the options I have across the  
19      entire forest management unit; doesn't it?

20                  A. In terms of something must happen to  
21      every stand in the forest because you're talking about  
22      an evolving entity, a series of individual stands, yes.

23                  Q. Right. And so in order to put it in  
24      perspective the implications of each one of those  
25      alternatives it's not adequate just to do the analysis

1 on the stand but I also have to look at the forest as a  
2 whole; correct?

3 A. In the ultimate sense that's correct.

4 Q. And that rejuvenation cycle is either  
5 the managed rotation of the forest or the natural  
6 rotation dvertising of the forest; right?

7 A. You could look at it that way.

8 Q. And so that in order to understand  
9 the implications of each one of those decisions,  
10 whether it be -- on that particular stand, whether it's  
11 cut, no cut, or some later cut, I have to look at the  
12 rotation to understand what the implications are in  
13 terms of my options not just with respect to that  
14 stand.

15 For example, if I don't cut it I have to  
16 get my wood from somewhere else, so that forces me to  
17 cut another stand which sets in motion a whole new  
18 sequence of events which occur across the forest as a  
19 whole; is that not fair?

20 A. In the abstract that is quite fair.

21 Q. And in the real world too.

22 A. No, that is where we differ I think  
23 in terms of where I think you're pushing this.

24 Madam Chair, what comes before the  
25 individual, the local citizens committee or the

1 planning team that we are now dealing with is  
2 individual cases in which the stand structure is talked  
3 about and, to the best of my knowledge, this is not put  
4 together on a macro model in terms of how does this  
5 impact upon the entire forest structure and how does  
6 that impact upon the options for the management of that  
7 forest as it tends normally -- these individual cases  
8 tend to be a fairly compact discrete area which are  
9 miniscule relative to the overall size of the forest.

10 You may be talking an area here - just to  
11 complete this example, Mr. Hanna, excuse me - you may  
12 be talking in this moose management area in the Thunder  
13 Bay plan of an area of, I don't know, maybe several  
14 hundred hectares in a forest that is something like  
15 300,000 hectares, just to put it into perspective here.

16 So the second part of what Mr. Hanna was  
17 talking about, although it's theoretically correct  
18 that, yes, it does have -- it's actually correct, yes,  
19 it does have an impact upon how you look at the forest  
20 in totality, it's not done at that time and not  
21 considered at that level of that stand intervention.

22 Q. The size of the stand that is under  
23 consideration at the present time is how much?

24 A. I don't know how big.

25 Q. Approximately.



1                   A. I suppose it's 200 hectares. I  
2 really don't have the answer for how big it is.

3                   Q. If the rotation of the forest is a  
4 hundred years that could be up to 10 per cent of the  
5 total FMU that's being affected.

6                   A. I don't know.

7                   Q. Now, is it your view that these types  
8 of macro effects should also be considered in making  
9 determinations as to appropriate objectives, targets  
10 for the forest management unit, or do you think you  
11 should just look at the stand level?

12                  A. No. One manages the forest, Madam  
13 Chair, Mr. Martel, as an entity and what happens is  
14 that the effects of individual stand operations are in  
15 essence banked and then analysed at a given point in  
16 time on a cumulative basis rather than as individual  
17 activities occur.

18                  For example, we don't calculate the  
19 allowable cut -- recalculate the allowable cut after we  
20 finish harvesting at the end of the week, we redo that  
21 on a five-year basis when we do the management plan.

22                  Theoretically and actually it's possible  
23 to recalculate the allowable cut at the end of each  
24 week, in fact if we had a major burn of several hundred  
25 thousand hectares we would recalculate the allowable



1 cut, but for a very small one we would not. So it's a  
2 matter of degree of impact that triggers whether or not  
3 it's worthwhile taking that into consideration at that  
4 time.

5 Q. Well, I accept that and I want to  
6 make sure that you weren't under the misunderstanding  
7 that I was proposing that we would undertake this  
8 analysis on a weekly basis, I'm talking about on a  
9 five-year basis, and I'm asking you: Inasmuch as you  
10 would recalculate your annual allowable cut every five  
11 years on a forest level basis; correct?

12 A. That is correct.

13 Q. Is it not equally important to  
14 calculate the supply of your non -- your non-timber  
15 components in a similar manner on a recurrent basis  
16 looking at a forest level analysis?

17 A. I would suspect, Madam Chair, that if  
18 I was a wildlife manager I would be most interested in  
19 doing that, although I don't know the sensitivity of  
20 change with whatever species you may be doing it with  
21 if it is wildlife. But, yes, I would think I would  
22 want to know something about that.

23 Q. Now, I understand that you are not  
24 here giving this evidence on wildlife but you are  
25 giving this information on the planning process. Do

1       you see that kind of information, that information  
2       being the supply of the timber component of non-timber  
3       values being projected on a recurrent five-year basis  
4       with each new plan for a forest management unit at a  
5       forest level similar to the annual allowable cuts and  
6       being presented to the public and the local citizens  
7       committee?

8                   A.   There would certainly have to be an  
9       analysis in our mind made of that type of information  
10      in order to assess the appropriateness of the level of  
11      activity at a management unit level.

12                  Q.   The targets?   You mean the targets.  
13      When you mean level of activity, you're referring to  
14      targets there?

15                  A.   By level of activity I mean what has  
16      to take place to achieve that component of the target,  
17      yes.   And that would have to be discussed at the local  
18      citizens committee level with the district manager, his  
19      or her technical staff, and at the IRUC and presumably  
20      by MNR at that level in terms of:   How are we making  
21      progress in terms of getting to the value, as you call  
22      it Mr. Hanna, that has to be produced through the  
23      intervention in the forest.

24                  Q.   So you're saying that's consistent  
25      with the planning process that the Industry has put

1 forward?

2 A. That's correct.

3 Q. Maybe I missed it. It isn't dealt  
4 with explicitly in the planning process. Is that  
5 because you're presuming that that will be primarily a  
6 Ministry activity and you simply haven't documented  
7 that. Is that why you haven't outlined that in your  
8 planning process?

9 A. That's not the reason. The reason is  
10 it's a timber management plan in here and what we have  
11 said in both the terms and conditions and the preamble  
12 to the terms and conditions is that there has to be an  
13 explicit link between the non-timber management  
14 programs and the timber management component, and there  
15 has to be a way of determining whether the timber  
16 management component is contributing to the goals of  
17 the non-timber management activities as forecast in the  
18 plan, there must be a way of modifying those if in fact  
19 they are.

20 And that is why we want in the database  
21 of the system we are proposing the complete plan for  
22 the other resources so you can tell that and make that  
23 linkage.

24 Q. But it's one thing to have the plan;  
25 it's another thing to have the explicit linkage; right?

1                   A. In our mind the linkage has to be  
2                   there so you can understand -- the public can  
3                   understand as well as the person drawing the plan up as  
4                   well as the person implement the plan as to what that  
5                   linkage is and why it's important.

6                   People act best when they understand what  
7                   they're doing. This happens to be a way of doing that,  
8                   in our estimation, Madam Chair.

9                   Q. Okay. Now, you will agree with me  
10                  that at any point in time for any forest management  
11                  unit there's a great range of silvicultural structures  
12                  that are available to you that can be achieved through  
13                  different management interventions, virtually an  
14                  infinite number?

15                  A. Yes, given time, money, effort.

16                  Q. And clearly we have to limit the  
17                  number of alternatives we look at. Infinity is a  
18                  little difficult to look at, so you want to narrow it  
19                  down to a reasonable number; correct?

20                  A. That's right.

21                  Q. And the number that the Industry is  
22                  proposing at this time is basically we're going to go  
23                  forward with one forest structure and unless we run  
24                  into a problem like Mr. Munro has described where for  
25                  some reason or another we can't meet certain demands



1 from the forest; is that correct?

2 A. I am not sure I totally understand  
3 that question, Madam Chair, in terms of limiting to one  
4 structure.

5 Q. Production possibilities. We went  
6 through the production possibilities discussion, Mr.  
7 Innes and Mr. Munro said to me, we are proposing to  
8 come forward with a set of objectives and targets and  
9 provide explanations for why we think they are  
10 reasonable. If we run into a circumstance where we  
11 can't meet those targets, then we are going to look at  
12 alternatives. Isn't that what I heard?

13 A. I don't know what you heard, to be  
14 honest.

15 Q. Is that not what Mr. Munro said?

16 A. What I understood Mr. Munro to say  
17 was that one alternative would be brought forward but  
18 more than one alternative would be considered prior to  
19 bringing that one forward as the idea which in the plan  
20 author's mind had the most merit.

21 Q. Okay. And that is really the nub of  
22 this whole question, this whole line of questions and  
23 that is: The plan author looks at alternatives, comes  
24 forward with what he thinks is most reasonable, but  
25 those range of alternatives that he considered are not



1 presented to the public except in the circumstance Mr.  
2 Munro has described; is that fair?

3 A. No, that's not totally true I don't  
4 think, there is more to it than that. And, Mr. Munro,  
5 please correct me if I am misrepresenting you here.

6 My understanding is that whereas a  
7 favored option would be put forward and discussed with  
8 the local citizens committee, their input would be  
9 solicited prior to bringing forward an option and the  
10 plan author would discuss with that committee how he or  
11 she arrived at that option and what sort of things were  
12 considered in the development of that option, and  
13 perhaps where there would not be a formalized thing of:  
14 I have this roster of options which I would like you  
15 members of the local citizens committee to pick one;  
16 what there would be is something like: I have taken  
17 your advice and you have told me that you would like me  
18 to concentrate in this particular area in terms of the  
19 options I described to you, and I have gone away, I  
20 have looked at this and this and this and I have come  
21 up with, this would be my preferred option on the basis  
22 of.

23 But I don't see that happening unless  
24 there is something particularly intricate and that the  
25 local citizens committee has come up and said: This is

1 what we really want you to zero in on as being a  
2 contentious issue or something we don't agree with and,  
3 therefore, would you please explain exactly how you got  
4 to this.

5 Q. Okay. My last question on this  
6 subject then is in those cases where production  
7 possibilities are provided to the local citizens  
8 committee, will the timber and non-timber benefits be  
9 quantified in terms such as the amount of wood  
10 provided, the approximate delivered wood cost, the size  
11 of the expected moose population or at least the amount  
12 of habitat to be provided, the number of fishing  
13 opportunities it implies in terms of remote and road  
14 accessible classes of activity, et cetera?

15 A. It would be desirable to do that as  
16 much as possible. I think it's much easier to make  
17 decisions when we know the values and can quantify the  
18 output of activities. To the extent that that would be  
19 possible, I would say yes.

20 I think we are still grappling in this  
21 province and other ones to a very large extent with  
22 quantification issues and it's difficult to provide  
23 that explicit linkage of: If you do this in this  
24 microcosm you get that.

25 Q. But you would support that direction

1 and support going as far in that direction as is  
2 reasonably possible?

3 A. Yes, we would support that.

4 Q. Mr. Innes, I would like now to speak  
5 to you about a paper I provided to you by -- actually  
6 paper is not perhaps the right term, transcripts of a  
7 standing committee -- federal standing committee.

8 A. Yes.

9 Q. Do you have that with you?

10 A. I do.

11 MR. HANNA: Madam Chair, I would like to  
12 introduce this as the next exhibit. (handed)

13 MADAM CHAIR: Exhibit 1281 will be the  
14 Minutes of Proceedings in evidence of the Subcommittee  
15 on Forestry of the Standing Committee on Forestry and  
16 Fisheries of the House of Commons dated Wednesday,  
17 March 21st, 1990.

18 ---EXHIBIT NO. 1281: Minutes of Proceedings in  
19 evidence of the Subcommittee on  
20 Forestry of the Standing  
21 Committee on Forestry and  
22 Fisheries of the House of Commons  
dated Wednesday, March 21st,  
1990 (pages 3-29 inclusive) re  
excerpts of transcripts of Dr.  
Baskerville's complete  
testimony.

23  
24 MR. HANNA: Q. Now, the first witness on  
25 this day of the hearing was Dean Baskerville; correct,

1 Mr. Innes?

2 MR. INNES: A. Yes.

3 Q. And this is a subcommittee that's  
4 looking to make recommendations to Parliament regarding  
5 the administration of the new Federal Department of  
6 Forestry; is that correct?

7 A. That's correct.

8 Q. Bill 29, Receipt 29 I believe it is.

9 A. Fine. Which bill number it is I'm  
10 not sure.

11 Q. Okay. Can we turn to page 5, the  
12 page numbers are shown there, it's 11:5, and this was  
13 Dr. Baskerville's introduction to the committee and he  
14 indicates there in the second paragraph:

15 "The most important thing in managing is  
16 to be able to forecast the outcome of an  
17 intervention over time and space so you  
18 can choose the most appropriate one  
19 and then track it over time and space."

20 Do you agree with this statement?

21 A. Madam Chair, that is certainly a very  
22 important thing in management. I am not sure it's the  
23 most important thing, but it's certainly a very  
24 important thing.

25 Q. Now, I would like to know how the



1 planning process that you are proposing is responsive  
2 to this need to forecast the outcome of interventions  
3 over time and space. How are you dealing with that in  
4 your planning process that you are putting forward?

5 A. There are a number of components of  
6 that that are important in our planning process. One  
7 is the assessment of the ability of the forest being  
8 managed to produce the outputs that are required, the  
9 values I believe Mr. Hanna that are being handled, and  
10 that normally requires some modeling of expertise that  
11 is done through either allowable cut calculations, and  
12 I presume through the other technical expertise of MNR  
13 such as habitat supply modeling, whatever they do in  
14 wildlife forecasting for example to do that.

15 There is a place, as we have talked about  
16 today, in our appendices 1, 2 and 3 for a formal  
17 analysis of the ability of the forest to produce those  
18 things. We have also through the analysis of the past  
19 operations and through the audit process that we have  
20 designed looked at the progress being made in reaching  
21 the objectives and provided a mechanism for public  
22 review of the progress being made, ways of looking at  
23 changing targets, ways of looking at changing  
24 guidelines, methodologies, and try to structure it in  
25 such a way that there is always feedback through the



1 adaptive management system that Dr. Baskerville talks  
2 about so we know whether or not we are on track in  
3 getting where we want to go to or whether we have to  
4 make adjustments in terms of our next management plan  
5 or amendment to the current plan to get from here to  
6 there in increment stages.

7 Q. Mr. Innes, you made reference to  
8 appendices 1, 2 and 3. Can you specifically refer me  
9 to where in those appendices forecasts over both time  
10 and space of the interventions are provided?

11 A. I will attempt to do so.

12 If you for example, Madam Chair, look at  
13 Table of Contents under page 44 under Item 4.0 our  
14 regional policies, there would be -- there would be a  
15 forest production policy component inherent within that  
16 for that region which shows what the production of  
17 timber will be given a level of silvicultural  
18 intervention at a given level of money at a given  
19 staffing level for that region for that district for a  
20 number of years to the year 2020 I believe it was. I  
21 think that would be an example, Mr. Hanna.

22 Q. Let's deal with that specifically.  
23 That's on page 47 I believe, that section, and let's  
24 just deal with the policy regarding forestry.

25 Now, this is a policy, this is what we

1 would like to have happen. Now, where is the forecast  
2 for the forest management unit over time and space of  
3 the proposed silvicultural prescriptions that you have  
4 developed in the plan?

5 A. If my memory serves me correctly each  
6 management unit either has, or had when I was there, a  
7 forest production policy for that management unit which  
8 showed by year, by individual silvicultural activity  
9 the amount of that activity which would take place and  
10 the cost of that activity and the manpower required for  
11 that activity, and summing them all up came to a degree  
12 of effort which would produce a certain number of cubic  
13 metres of wood in the year 2020 in that management  
14 unit.

15 And that was a very specific intervention  
16 by silvicultural activity, by year in that management  
17 unit to achieve the production of a certain amount of  
18 timber.

19 Q. So the thing I am concerned about  
20 here is, that is a policy, it says: Okay, here's what  
21 we would like to do and then there is what we actually  
22 do, that is why we have a timber management plan;  
23 right?

24 A. That's right.

25 Q. Because we want to make those

1 decisions as to specifically what we want to do, and  
2 that's what I'm interested in, when we make those  
3 specific decisions, where do we forecast over time and  
4 space the implications of those decisions? Not what we  
5 would like to do in a policy and what we would like to  
6 allocate and what we hope will come out of that.

7 Those specific decisions that you are  
8 making, where are those interventions forecast over  
9 time and space?

10 A. They are forecast over time and space  
11 in the management plan in the allowable cut calculation  
12 of what comes out of there.

13 Q. But the allowable cut calculation is  
14 only over time, it's not over space, it doesn't tell  
15 you what the stand structure is going to look like;  
16 does it?

17 A. On a stand-by-stand basis, no, it  
18 does not do that.

19 Q. So it doesn't have a spacial element  
20 to it?

21 A. You would have to have GIS to do that  
22 which is --

23 Q. GIS would assist you in doing that,  
24 you wouldn't have to have GIS. It's much more  
25 difficult without it?

1                   A. It's practically impossible without  
2 it, which is why it wasn't done.

3                   Q. Now, looking at the fifth paragraph  
4 there Dean Baskerville says:

5                   "The third point is that we need to work  
6 towards actually managing the resource.

7                   I would characterize what we have done to  
8 date generally with some exception to be  
9 protecting."

10                  Now, do you disagree with that statement?

11                  MADAM CHAIR: Excuse me, which page are  
12 you on, Mr. Hanna?

13                  MR. HANNA: Excuse me, I'm sorry, I am  
14 still on page 11:5, Madam Chair.

15                  MR. INNES: Dr. Baskerville is couching  
16 this, Madam Chair, to my understanding in a Canadian  
17 perspective of the Canadian forests, and to that extent  
18 I believe he's correct, I would agree with that.

19                  MR. HANNA: Q. But not with respect to  
20 Ontario?

21                  MR. INNES: A. Are you asking me if I  
22 agree with that in respect of Ontario?

23                  Q. Yes.

24                  A. I believe that we are working towards  
25 actually managing the resource in Ontario and that



1 considerable progress has been made over the last 10  
2 years in getting to that state.

3 Q. We aren't there yet?

4 A. You will never be "there".

5 Q. But it's where we would like to be?

6 A. We would like to have our forests in  
7 a totally managed state should that be possible, at  
8 least I would and some people would disagree with that  
9 because they would like to have them totally left  
10 alone. So that is why I disagreed with there because  
11 there is no firm definition of that particular word,  
12 Madam Chair.

13 Q. And he continues on there dealing  
14 with the concept of constraints and says:

15 "It's impossible to manage a renewable  
16 resource by constraint."

17 And those are familiar words to us. The  
18 reason I raise that is that I was struck - excuse my  
19 editorial comment, Mr. Cosman - in looking at the  
20 evidence of this panel and particularly the  
21 concentration that -- or the focus that was put on  
22 Exhibit 1276 which dealt or seemed to deal to a large  
23 extent with a constraint type philosophy management.

24 And I'm asking you: Is not that the type  
25 of procedure you've laid out there in that exhibit, the

1 values map you're proposing, directed solely at  
2 protection?

3 A. No, I wouldn't say it's directed  
4 solely at protection. There are -- we have  
5 consistently throughout our evidence, Madam Chair,  
6 talked about protection and/or enhancement values that  
7 may turn up in areas of concern and I don't think it  
8 has to be solely protection.

9 Q. That is -- that map, if I go to that  
10 map and I go through each one of those areas, it's a  
11 classic constraint approach to each one of those  
12 values; is it not?

13 A. I don't recall specifically whether  
14 it is or it isn't, Madam Chair. Those are picked out  
15 of existing guidelines I believe, Mr. Fry.

16 MR. FRY: A. That's correct, yes.

17 MR. INNES: A. And consistent guidelines  
18 are largely constraint. So for that reason I would  
19 suspect that you're right and everything on there would  
20 be a constraint, Mr. Hanna.

21 Q. Okay. And I accept - this may come  
22 as a shock to some - but there is in some cases a need  
23 for constraint and there is sometimes a need for  
24 guidelines when we are protecting something and as much  
25 as you have proposed that, this is a good way to deal

1 with it, I will accept that.

2 What I'm interested in is those other  
3 things that aren't captured there, all the rest of that  
4 area on that map that is moose habitat, that's habitat  
5 for pine marten, for boreal owls or red-backed voles  
6 for whatever, and how are we managing that portion of  
7 the landbase, how are you proposing to manage that  
8 portion of the landbase with respect at least to the  
9 timber component of those non-timber values?

10 A. We are proposing that that portion of  
11 the landbase be managed by accepting timber management  
12 component targets from those people within the Ministry  
13 of Natural Resources who have the scientific authority  
14 and the management expertise to advise those that  
15 manipulate the habitat of what needs to be done.

16 Q. So then it's fair to say that you  
17 support the need with respect to managing those  
18 elements that aren't values through the use of targets?

19 A. Would you please run that question by  
20 me again?

21 Q. I don't think I can say it again, I  
22 didn't have it written down, but I'll do my best. Is  
23 it fair to say that the Industry supports the use of  
24 targets to manage the timber components of the  
25 non-timber values that are contained outside of values

1 or priority sites or areas of concern?

2 A. Yes, by all means it is.

3 Q. All right. Now, I would like to turn  
4 to page 13 of this article, if I could, please.

5 MADAM CHAIR: Excuse me, which page is  
6 that, Mr. Hanna?

7 MR. HANNA: Page 13, Madam Chair.

8 Q. And there was a question put to Dr.  
9 Baskerville from the Chairman and he indicates that as  
10 a result of the meetings that the committee has been  
11 having that they have received from all sectors in  
12 forestry conflicting desires and he asked Dr.  
13 Baskerville:

14 "How do you look at what's practical, how  
15 do you deal with these conflicting  
16 objectives?"

17 And Dean Baskerville responds, and I am  
18 looking particularly at the third paragraph there at  
19 the bottom of the page and Dr. Baskerville's response,  
20 he says:

21 "The first issue has to be to find a way  
22 to explain to the public owners of the  
23 forest, because 91 per cent of the forest  
24 is publicly owned, what they could have,  
25 what is achievable with consistency



1                   between ends and means. If I look at the  
2                   timber one first it's easiest, it's what  
3                   we call production possibilities."

4                   And he goes through and he describes that  
5           there is an infinite number, in his words, of alternate  
6           structures and he says:

7                   "There are certainly many different  
8                   harvest levels that are sustainable but  
9                   have different costs associated with them  
10                  in terms of getting the wood, having  
11                  different qualities of material coming  
12                  from forests, and having different  
13                  impacts on the forest structure as you  
14                  implement them over time."

15                  And he says:

16                  "It's relatively simple to display those  
17                  production possibilities."

18                  And the Chairman interjects:

19                  "On a computer you mean?"

20                  Dr. Baskerville responds:

21                  "Or a piece of paper."

22                  And he offers one to Mr. Curtis. He  
23           says:

24                  "If I was to offer some of these so you  
25                  could see how straightforward it is to

1 list the production possibilities for a  
2 forest."

3 Now, has this been your experience that  
4 it's relatively straightforward to list the production  
5 possibilities for a forest? Have you attempted it?

6 A. Yes, we have attempted that, Madam  
7 Chair, in my company inasmuch as we have a harvesting  
8 simulator in which we can put the roads in and see what  
9 difference it makes as to cost and access in which  
10 stands or what volume timber might come out, et cetera.  
11 So, yes, we have done that.

12 Q. And what access does the public have  
13 to that type of analysis?

14 A. It's internal to the company.

15 Q. The public does not have access to  
16 it?

17 A. We've had no request for public  
18 access either.

19 Q. And if the public was so interested,  
20 would it be made available to them?

21 MR. COSMAN: You're talking about company  
22 costs, Mr. Hanna, I think?

23 MR. HANNA: No, we're talking about  
24 here -- costs are part of it, Mr. Cosman, but we are  
25 talking here about examining alternative production

1 possibilities being, for example, different harvest  
2 levels, different renewal levels, different tending  
3 levels, what the implications of those are in terms of  
4 costs, in terms of getting wood out of the forest,  
5 quality of material, the impacts on the forest  
6 structure and alternately impacts on the timber  
7 component of non-timber values. Is that available to  
8 the public?

9 MR. COSMAN: Well, if I can answer before  
10 my witness does. To the extent that company costs are  
11 sought to be disclosed, I think we have been consistent  
12 throughout and the Board has in dealing with it that  
13 competitiveness cost information of course would not be  
14 made available.

15 Apart from that, I will leave it to the  
16 witness.

17 MR. INNES: Thank you. No, we consider  
18 that to be proprietary information both in terms of the  
19 computer model we have developed for our own company  
20 and in terms of the information that it requires to run  
21 that model to provide an output that we need inherent  
22 to the company.

23 So, no, I would not make that publicly  
24 available, Madam Chair.

25 MR. HANNA: Q. Now, as I understand

1       you're saying what the proprietary component is the  
2       intelligence contained in the model; is that correct?

3               MR. INNES:  A.  Both that and the  
4       construction of the model.

5               Q.  Yes.  So you wouldn't want to provide  
6       the source coding to the public because your  
7       competitors might benefit by that?

8               A.  That's correct.

9               Q.  But in terms of undertaking the  
10       analysis, that system could be used to undertake the  
11       analysis without fully revealing all of the data, all  
12       of the structure of the model such that production  
13       possibilities could be represented and the range of  
14       feasible alternatives presented to the public.

15              A.  I haven't examined that, Madam Chair.  
16       I would think Mr. Hanna could devise such a model  
17       should he wish to do so.  Furthermore, there are such  
18       models on the shelf, as I understand it, Timber RAM, et  
19       cetera, there is a number of U.S. models out there that  
20       do that sort of thing.

21              MR. COSMAN:  Mr. Hanna can't have my  
22       client's model.

23              MR. HANNA:  Q.  Well, dealing then with  
24       Dr. Baskerville's comment about this issue being the  
25       need to find a way to explain to the public owners of



1 the forest what they could have, what is achievable  
2 with consistency between ends and means, how do you see  
3 dealing with that? Do you disagree, do you think Dr.  
4 Baskerville is off base on that one, it's not really an  
5 issue?

6 MR. INNES: A. Dr. Baskerville is a very  
7 clever man, there's no question about that, and I would  
8 be most foolish to disagree with his long academic  
9 record and fine mind.

10 However, to some degree what Dr.  
11 Baskerville speaks of is academic in terms of  
12 application and I agree it's desirable to do what he's  
13 speaking about, one has to translate that into  
14 practicality of how is it done, who does it, and how do  
15 you make the answer understandable at a local level, is  
16 certainly something in my mind that should be worked  
17 towards.

18 For example, I'm not aware of companies  
19 in New Brunswick that currently do this in the public  
20 forum. Maybe there are, Madam Chair, but I am not  
21 aware of that, and this is Dr. Baskerville's province.

22 Q. Well, there will be evidence to find  
23 out what's happening in New Brunswick. We will wait  
24 for that.

25 MADAM CHAIR: Mr. Hanna, it's the end of

1 the day. Is this a convenient place to stop?

2 MR. HANNA: My first day, Madam Chair, I  
3 was trying to set a marathon record.

4 Yes. I have a few more points, I'm just  
5 about finished this, but they can wait until tomorrow,  
6 I will be coming back to this tomorrow morning -- I'm  
7 sorry, excuse me, I believe Mr. Reid will be starting  
8 tomorrow morning and I'll be continuing afterwards.

9 MADAM CHAIR: All right. Thank you, Mr.  
10 Hanna.

11 With respect to the description of this  
12 paper, we are trying to be very descriptive and  
13 accurate for the exhibits list and I think that we  
14 should instruct the court reporter to add to a  
15 description of this exhibit the fact that it's how many  
16 pages, it's page 3 to 29 inclusive?

17 MR. HANNA: Yes, I believe so.

18 MADAM CHAIR: And it's excerpts of Dr.  
19 Baskerville's testimony.

20 MR. HANNA: It's not excerpts, Madam  
21 Chair, it is his testimony.

22 MADAM CHAIR: Excerpts from the  
23 transcript on Dr. Baskerville's testimony.

24 MR. HANNA: Yes. This is his complete  
25 testimony, I didn't include -- there were other

1 witnesses that followed after and I haven't included  
2 that in this exhibit.

3 MADAM CHAIR: Transcript excerpts of Dr.  
4 Baskerville's complete testimony.

5 Thank you, Mr. Hanna. And thank you for  
6 accommodating Mr. Reid tomorrow morning.

7 MR. FREIDIN: You asked that two matters  
8 be addressed Madam Chair. Firstly, in relation to the  
9 letter provided to the parties and Board regarding the  
10 Pearce exercise, I have no objection to that being  
11 marked as an exhibit. I don't believe any of the other  
12 parties have any objection to that.

13 MADAM CHAIR: All right. Exhibit 1282  
14 will be a letter dated July 6, 1990 from Victor Freidin  
15 to Michele Swenarchuk with respect to clarifying the  
16 announcement by the Ministry of Natural Resources of  
17 the appointment of Dr. Peter Pearce. The letter is  
18 five pages.

19 ---EXHIBIT NO. 1282: Five-page letter dated July 6,  
20 1990 from Victor Freidin to  
21 Michele Swenarchuk with respect  
22 to clarifying the announcement by  
the Ministry of Natural Resources  
of the appointment of Dr. Peter  
Pearce.

23 MR. FREIDIN: Madam Chair, the second  
24 matter was the order of cross-examination and you will  
25 recall that I indicated that I would be seeking the

1 Board to accede to the Ministry's request that the  
2 Ministry of Natural Resources cross-examine last, not  
3 only for Panel 10 of the Industry's case but for the  
4 balance of the hearing.

5 The reason I don't believe that any  
6 lengthy submissions were required was that in  
7 discussion with Mr. Campbell I can indicate to you that  
8 the Ministry of the Environment have indicated that  
9 they will occupy whatever position the Board feels is  
10 appropriate and most helpful to the Board. Mr.  
11 Campbell also indicated that the Ministry of the  
12 Environment acknowledged that the normal position for a  
13 proponent to cross-examine in an environmental  
14 assessment hearing when the witnesses who are giving  
15 evidence are giving evidence on behalf of a party in  
16 opposition to the undertaking is last, so that the  
17 normal position would be, in this case, the Ministry of  
18 Natural Resources would cross-examine last in relation  
19 to the evidence of those parties in opposition.

20 Mr. Campbell has advised me that the  
21 Ministry of the Environment has no opposition to the  
22 Ministry of Natural Resources occupying the normal  
23 position in this case in relation to those parties who  
24 are in opposition, and with that understanding the  
25 Ministry of Natural Resources takes no opposition to



1 the Ministry of the Environment continuing to  
2 cross-examine last in relation to the Industry. So in  
3 relation to this panel, the Ministry of Natural  
4 Resources is not seeking that the order of  
5 cross-examination be changed, Madam Chair.

6 If the Board is disposed to accede to the  
7 Ministry's request based on the submissions which I  
8 have just made, it seemed to me that the issue really  
9 was between the two ministries, then I would have no  
10 further submissions. If, however, the Board feels that  
11 it would like to hear further submissions, Mr. Campbell  
12 and I have agreed, not knowing what your decision might  
13 be, that we would want to make those further  
14 submissions at a later time.

15 MADAM CHAIR: Have you discussed this  
16 with the other parties, Mr. Freidin?

17 MR. FREIDIN: No. No, I have not, and I  
18 didn't do so on the basis that it seemed to me that it  
19 was an issue as between the two ministries and it was  
20 on that basis that I did not.

21 MADAM CHAIR: All right.

22 MR. COSMAN: I can say, if it might  
23 assist, as I understand it with respect to the existing  
24 panel MNR would go before the MOE notwithstanding that  
25 it's not its usual position, but after that I take it

1       that there has been some agreement. I certainly have  
2       no -- I will be making no submissions one way or the  
3       other to the Board.

4                   MADAM CHAIR: Do you know if any parties  
5       were coming later today to discuss that? I think  
6       Forests for Tomorrow is the only party not represented  
7       today?

8                   MS. SEABORN: Madam Chair, just to be  
9       clear on this. You will recall that when Mr. Freidin  
10      first raised the issue at the end of June I objected on  
11      behalf of my client to changing the order of  
12      cross-examination in relation to Panel 10 because Panel  
13      10 was going to be upon us quite quickly.

14                   Mr. Freidin contacted us and we spoke  
15      with him during July about this matter and at that time  
16      Mr. Freidin agreed that with respect to Panel 10 of the  
17      Industry's case that the Ministry of the Environment  
18      should cross-examine last as the Board had ordered us  
19      to do so, we are of course in a position where we are  
20      prepared to go wherever the Board would like us to go  
21      and, as I advised the Board earlier, we didn't feel  
22      that we could consent in the face of a Board order that  
23      we go last to going in any other position.

24                   So in terms of the notice of motion,  
25      there is no real urgency with respect to the order of

1 cross-examination because Panel 10 is to be completed  
2 within a few days hopefully and you will not be on to  
3 the parties in opposition to the proponent until  
4 October when Forests for Tomorrow's case commences. So  
5 Mr. Freidin has not brought a formal motion with  
6 respect to this issue.

7 And just to clarify, Mr. Cosman for your  
8 benefit, what the Ministry of the Environment has said  
9 is that we agree that where parties in opposition to  
10 the proponent are calling evidence, then we would agree  
11 with MNR that the normal practice is that the proponent  
12 cross-examine last, and that is somewhat different to  
13 the Industry's case when the Industry is a party  
14 essentially in support of the proponent's case. And,  
15 as Mr. Freidin said, that being so we will not object  
16 to cross-examining second last during the evidence of  
17 those parties that are in opposition to the proponent.

18 Now, to answer your question, Madam  
19 Chair, I have had no conversations with any of the  
20 other intervenors in relation to this matter. I don't  
21 believe Mr. Campbell has either and, as Mr. Freidin  
22 said, if there are going to be further -- if the Board  
23 would like further submissions on this point in  
24 relation to Forests for Tomorrow's case and the parties  
25 that follow them, perhaps that could be dealt with at a

1 later date. There is no urgency in relation to this  
2 matter this week.

3 MR. FREIDIN: Madam Chair, maybe a way of  
4 resolving it, seeing that the only party really not  
5 represented is Forests for Tomorrow, I'll contact Ms.  
6 Swenarchuk and see what she has --

7 MADAM CHAIR: Well, it occurred to me  
8 that I don't think we contacted her to tell her we  
9 wouldn't be hearing the argument this evening. We  
10 contacted Mr. Turkstra to tell him not to come.

11 MS. SEABORN: I don't think there was any  
12 formal notice though, Madam Chair, that there was going  
13 to be an argument because there was no notice of motion  
14 in relation to the matter this evening.

15 I think it was left at the end of June, I  
16 certainly said if Mr. Freidin wanted to change the  
17 order in relation to Panel 10 that he'd better serve a  
18 notice of motion and we'll have proper argument. That  
19 notice of motion was never forthcoming, so there  
20 wasn't -- I don't believe there was formal notice to  
21 the parties in any event.

22 MR. FREIDIN: That's probably correct.

23 MADAM CHAIR: All right.

24 MR. FREIDIN: And I would like to resolve  
25 the matter with all the parties so I can have an



1 indication from the Board whether they are willing to  
2 have the Ministry of Natural Resources go last in  
3 relation to the parties after the Industry's case, and  
4 if the Board is not predisposed to do that based on  
5 submissions made today, plus perhaps Ms. Swenarchuk  
6 indicating she has no concern, then obviously we would  
7 have to make longer lengthier submissions as to all the  
8 reasons for the position we take.

9 MADAM CHAIR: Well, the Board is disposed  
10 to doing what is agreeable procedurally with what the  
11 other parties wish to do, but I think that you should  
12 check -- well, please, talk to the other parties and  
13 find out if there would be any opposition to this and  
14 then come back to us.

15 MR. FREIDIN: Sure. Thank you.

16 MADAM CHAIR: Thank you, Mr. Freidin.

17 Is there anything else? There was one  
18 other matter that came about when we were on vacation  
19 and it had to do I believe with correspondence from  
20 you, Mr. Freidin, to the effect of the Board viewing  
21 aspects related to habitat supply analysis in  
22 conjunction with the Timmins visit.

23 I don't want -- we won't discuss it this  
24 evening, but I would like you to look over that  
25 correspondence, and also I believe it had been Mr.

1 Hanna's suggestion that when we were on the Timmins  
2 site visit that we look at habitat supply analysis or  
3 what might be there with respect to that in that  
4 management unit.

5 I don't know if you sent that  
6 correspondence to Mr. Hanna or not. Did you get it?

7 MR. FREIDIN: I have seen some of the  
8 correspondence. That's something you'd like to address  
9 perhaps some time in the next week or so.

10 MADAM CHAIR: Yes.

11 MR. HANNA: Madam Chair, if it would be  
12 acceptable to the Board if that could be arranged  
13 before my cross-examination is completed that would be  
14 of assistance to me because I will not be here, but I  
15 can come in.

16 I'm not too sure what kind of discussion  
17 the Board is inviting, but I would certainly like to be  
18 part of that discussion.

19 MADAM CHAIR: Well, I understand that  
20 because you suggested we see something there and Mr.  
21 Freidin has suggested that we not in conjunction with  
22 the Timmins visit and we would like to sort it out as  
23 as soon as possible. Why don't we say tomorrow evening  
24 at the end of the day. All right.

25 MR. FREIDIN: That's fine with me, Madam

1 Chair.

2 MADAM CHAIR: Thank you.

3 ---Whereupon the hearing adjourned at 4:08 p.m., to be  
4 reconvened on Tuesday, August 14th, 1990, commencing  
at 9:00 a.m.

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